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THE HISTORY OF ROME

BY

B. G. NIEBUHR.

TRANSLATED

BY

JULIUS CHARLES HARE, M. A.

AND

CONNOP THIRLWALL, M. A.

FELLOWS OF TRINITY COLLEGE, CAMBRIDGE.

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Ceterum, si, omisso optimo illo et perfectissimo genere eloquentiæ, eligenda sit forma dicendi, malim, hercule, C. Gracchi impetum aut L. Crassi maturitatem, quam calamistros Mæcenatis aut tinnitus Gallionis.

Tacitus, *Dial. de Oratoribus.*

TO HIS MAJESTY

FREDERIC WILLIAM THE THIRD,

KING OF PRUSSIA,

THIS WORK

IS MOST RESPECTFULLY DEDICATED.

A HISTORY of Rome, represented with truth and vividness, in broad and clear outlines, free from the incumbrance of multifarious details, might be esteemed no less worthy to engage the attention of a prince, than profound and comprehensive descriptions of the most important epochs of modern times. Not so, critical investigations into the dark periods of remote antiquity; not so, a work which, while it approaches close to particular objects that it may examine them, is seldom able to occupy a station where those rich and wide prospects expand before the eye.

2931

But gratitude inspires courage; and in this feeling I ventured to solicit your Majesty's gracious permission for the dedication of this work.

Your Majesty's favour has afforded me the happiest leisure: it enabled me to become familiar with Rome: and the two Universities—that of Berlin, the opening of which led to my undertaking this work, and that of Bonn, to which it is my pride to belong as a free associate—are Your Majesty's noble creations.

Thus this history owes its existence to the Gracious King, to whom I devote it, with feelings faithful as those of a native subject, and with a lively recollection of every favour with which Your Majesty has distinguished me.

PREFACE.

THE History of Rome was treated, during the first two centuries after the revival of letters, with the same prostration of the understanding and judgement to the written letter that had been handed down, and with the same fearfulness of going beyond it, which prevailed in all the other branches of knowledge. If any one had asserted a right of examining the credibility of the ancient writers and the value of their testimony, an outcry would have been raised against his atrocious presumption: the object aimed at was, in spite of all internal evidence, to combine what was related by them; at the utmost one authority was in some one particular instance postponed to another, as gently as possible, and without inducing any further results. Here and there indeed a free-born mind, such as Glareanus, broke through these bonds; but infallibly a sentence of condemnation was forthwith pronounced against him: besides such men were not the most learned; and their bold attempts were only partial and were wanting in consistency. In this department, as in others, men of splendid talents and the most copious learning conformed to the narrow spirit of their age: their labours extracted from a multitude of insulated details, what the remains of

ancient literature did not afford united in any single work, a systematic account of Roman antiquities: what they did in this respect is wonderful. And this is sufficient to earn them an imperishable fame: for he that would find fault with them for not being independent of their age, is blind to the common lot of mortals, from which none but the favorites of the gods are exempt; and they mostly make amends for this blessing by persecution. On the other hand for history in a stricter sense little was produced: dry compilations for the times where the books of Livy were lost, and detached observations which led to nothing beyond.

In the latter half of the seventeenth century Philology entered upon a middle state between the period of her earlier greatness within her exclusive sphere, where, having accomplished whatever was to be accomplished in this manner, she consequently fell into decay, and that of a new, richer, and more comprehensive greatness, for which she was to be indebted to the developement of the other sciences, although now for a while they were overshadowing her: this like all middle states was one of uneasiness and depression. Bentley, and a few more, who were in part the creators of the new age, in part the preservers of the knowledge the old one had left behind, stood as giants amid a generation of dwarfs. Intellect and science during the seventeenth century were everywhere coming out of their nonage: men were taught by great examples to look things in the face, and to pursue their researches with freedom and confidence; to regard the books, which till then had made up the scholar's whole world, as merely pictures of a part of the living universe which could not be immediately approached; to exercise

their own understanding, their own reason, their own judgement in everything. The field of Roman history was not left unvisited by the youthful spirit of freedom: it is undoubtedly to the pervading activity which prevailed during the latter part of that century, that we owe the first work which, together with an abundance of details, enters into a general examination of what this history is and may be made: I mean the masterly inquiries of Perizonius; a book which, like other products of genius, is unsurpassed and classical in the kind wherein it was the first. If however we here feel the breath of that spirit which in those days was everywhere awakened, yet Perizonius had advanced far beyond his age; and Bayle, who twelve years after pointed out the contradictions and impossibilities contained in a few portions of the earliest history of Rome, makes no use and takes no notice of him: neither does Beaufort, although his sole attention was directed to the object which Bayle merely fixed his eyes on for a few hours among a thousand of the same kind.

Beaufort is ingenious, and his reading is extensive, though he is no philologer: one or two sections in his treatise are very ably and satisfactorily executed, while others on the contrary are exceedingly weak and shallow. Bayle is throughout and completely his master: scepticism the soul of his book: he merely attempts to deny and upset: or, if he would ever build up anything, what he erects is frail and untenable. Yet the influence and reputation of his book has spread extraordinarily: for Roman history had almost entirely escaped the attention and care of philologers; those who chiefly interested themselves about it, though not more than about

any other, were intelligent men of the world; and for their use it was at that time handled by several authors, without any pretensions or view to learning and research. Such of these as did not wholly overlook the earlier centuries, from thinking them of no importance, were so satisfied with Beaufort's investigations as to give them up altogether. Gibbon's history, which even for the philologer is a noble masterwork, left this region untouched.

The end of the last century was the opening of a new era for Germany. Men were no longer satisfied with superficial views in any field of knowledge: vague empty words had lost their currency: but neither was the work of destruction, in which the preceding age, indignant against protracted usurpation, had taken pleasure, any longer held to be sufficient; my countrymen strove after definite and positive knowledge, like that of their forefathers; but it was after true knowledge, in the room of that imaginary knowledge which had been overthrown. We had now a literature, worthy of our nation and language: we had Lessing and Goethe: and this literature comprised, what none had yet, a great part of the Greek and Roman, not copied, but as it were reproduced. For this Germany is indebted to Voss, whom our grandchildren's children and grandchildren must extoll as their benefactor: with whom a new age for the knowledge of antiquity begins; inasmuch as he succeeded in eliciting out of the classical writers what they presuppose, their notions of the earth for instance and of the gods, their ways of life and their household habits: and understood and interpreted Homer and Virgil, as if they were our contemporaries and only separated from us by an interval

of space. His example wrought upon many: upon me, ever since my childhood, it has been enforced by personal encouragement from this old friend of my family.

If a previous age had contented itself with looking at ancient history, in the way many look at maps or landscapes, as if they were all in all; without ever attempting to employ it as the only means that remain for producing an image of the objects it represents: it could not now be esteemed satisfactory, unless its clearness and distinctness were such that it could take its station beside the history of the present age. And the time was one when we witnessed many unheard of and incredible things: when our attention was attracted to many forgotten and decayed institutions by the sound of their downfall; and our hearts were strengthened by danger, as we became familiar with its threats, and by the passionate intensity given to our attachment to our princes and our country.

At that time philology in Germany had already reached that highth, which is now the boast of our nation. It had recognized its calling, to be the mediator between the remotest ages, to afford us the enjoyment of preserving through thousands of years an unbroken identity with the noblest and greatest nations of the ancient world; by familiarizing us, through the medium of grammar and history, with the works of their minds and the course of their destinies, as if there were no gulph which divided us from them.

In this manner, although Greek literature continued long to possess an almost exclusive preference, the critical treatment of Roman history, the discovery of the forms of the constitution which had been misunderstood, was a

fruit which time had been maturing: and a concourse of fortunate circumstances combined to favour its growth. It was a time full of hope, when the university of Berlin was opened: and the enthusiasm and delight in which months rolled away, while the contents of the first volumes of this history were digested for lectures and worked up for publication;—to have enjoyed this, and to have lived in 1813, this of itself is enough to make a man's life, notwithstanding much sad experience, a happy one.

In this state of delight the meaning of many an ancient mystery disclosed itself: but yet more were overlooked: in much I erred: a still greater part was left in a disjointed condition feebly supported by proofs. For my knowledge was the unsatisfactory knowledge of one who had been self-taught, and who as yet had only been able to devote to study such hours as he could withdraw from business: and I had reached the end of my journey like a man walking in his sleep along the eaves. That these defects, and the overhasty composition of the first volume, which had compelled me to introduce repeated corrections in the sequel of the work itself, did not hinder its reception from being on the whole very favorable, is a proof that the revival of Roman history was in accord with the spirit of the age: nay our age, it seems to me, may discern that it is immediately called by Providence to this inquiry, inasmuch as, within the eleven years since it commenced, three new and rich sources have been opened to us by the publication of Lydus, Gaius, and Cicero's Republic: whereas centuries had previously elapsed without adding anything to our means of knowledge.

To these defects of my work I was far from blind: the points attacked by those who criticized it, were by no

means the weak ones, but often the soundest and strongest. My being aware of these faults, and desirous to make use of the new discoveries, was the main reason which retarded the continuation: for it was necessary that, before I proceeded, the first volume should be written anew. Meanwhile however I was living in Italy, and living at Rome, too much taken up in gazing and receiving impressions to work with energy at books: besides I fancied I should not be able to proceed without the happiness I had once enjoyed, at the time when the point on which the question hinged would come forward into a clear light while I was conversing with Savigny, and it was so easy for me to ask many a question, so cheering to complete the embryo thought and to try its worth. On my return to Germany I drew up the plan of the third volume, preparing the way for it by remodelling the first, and correcting the second.

This new edition, in which it was my aim to make the proofs and the solutions perfect, required very extensive labours: but as all labour is lightened when new springs of activity are imparted, so this was mainly promoted by my lectures on Roman antiquities last winter. What Pyrrhus said to his Epirots—*Ye are my wings*—is the feeling of a zealous teacher toward hearers whom he loves, and whose whole souls take an interest in his discourse. Not only does the endeavour to make himself clear to them, and to utter nothing as truth which can admit of a doubt, speed his researches: the sight of them assembled before him, the immediate relation in which he stands to them, awakens a thousand thoughts during the time he is speaking: and in how very different a manner

does one write down words which had previously been poured forth as the fresh thoughts prompted them!

The work which I here lay before the public, is, as the first glance will shew, an entirely new one, in which scarcely a few fragments of the former have been incorporated. It would have been incomparably easier to have preserved the groundwork of the first edition; I resolved on the far more difficult task, as the most expedient, which would give unity and harmony to the whole. That whole, consisting of this and the next two volumes, is the work of a man who has reached his maturity: whose powers may decline, but whose convictions are thoroughly settled, whose views cannot change: and so I wish that the former edition may be regarded as a youthful work. Our friends are often more tender-hearted toward us than we are ourselves: and perhaps one or two may regret some things that have been destroyed and cast away: more than once it was with a lingering hand that I overthrew the old edifice: but what was built on suppositions which had been found to be wrong, could not be permitted to remain; nor was it allowable to preserve it by slipping some other prop under it, so as to efface the appearance of the original foundation.

The continuation down to the term which I have now set before me, I may, if it please God and his blessing abide with me, confidently promise; although the progress may be but slow. It is the work of my life; which is to preserve my name, not unworthy of my father's: I will not lazily abandon it.

When a historian is reviving former times, his interest in them and sympathy with them will be the deeper,

the greater the events he has witnessed with a bleeding or a rejoicing heart. His feelings are moved by justice or injustice, by wisdom or folly, by the coming or the departure of greatness, as if it were all going on before his eyes: and when he is thus moved his lips speak, although Hecuba is nothing to the player. Would it were acknowledged that the perfect distinctness and clearness of this vision destroys the power of obscure ideas and indefinite words! that it precludes the silly desire of transferring out of ages of a totally different character what would now be altogether inapplicable! that, to retain the poet's simily, it precludes fools from coming forward as knight errants, to avenge the sorrows of Hecuba! If any one, after being reminded of this, persists in misapprehending my meaning, he is dishonest, or at least very simple. Of the principles on which the political opinions in my work are formed, there is not one that may not be found in Montesquieu or Burke: and the proverb, *quien hace aplicaciones, con su pan se lo coma*, is enough.

It is with a solemn feeling that I close this preface with the words which fifteen years ago closed that of the first edition: the repetition of them "brings back the images of joyous days, and much-loved shades rise up before my soul."

There is an inspiration which proceeds from the presence and the converse of beloved friends: an immediate action upon our minds, by which the Muses are revealed to our view, awakening joy and strength in us, and purging our sight: to this through my whole life I have owed whatever was best in me. Thus I owe it to the friends in the midst of whom I returned to studies long resigned or faintly pursued, if the result has been

propitious. Therefore do I bless the beloved memory of my departed Spalding: therefore too allow me openly to express my thanks to you, Savigny, Buttmann, and Heindorf, without whom and without our deceased friend I should certainly never have had the courage to undertake this work, without whose affectionate sympathy and enlivening presence it would hardly have been accomplished.

BONN,
December 8, 1826.

The Author has hitherto been prevented by the state of his health from bringing out the second volume of this history: the Translators hope however that its appearance will enable them ere long to lay it before the English public.—Such notes as are not numbered have been added by them, to direct the Reader to a variety of passages which the Author had made use of in the text, though he had not specifically referred to them.

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THE

HISTORY OF ROME.

I HAVE undertaken to write the history of Rome; from the earliest times of the city, unto the period when the sovranty of Augustus over the Roman world was undisputedly acknowledged. I begin, where a new people arose out of the confluent settlements of divers nations; my goal lies, where this people had incorporated millions with itself, and had imparted to them its language and its laws; where it ruled from the rising unto the setting sun, and the last of the kingdoms that proceeded from Alexander's conquests, was become one of its provinces. Long before any historical record of particular individuals occurs in those times, the forms under which the commonwealth existed, may be recognized with certainty: so firmly, and for centuries indelibly, were they impressed upon every thing, and so entirely was the individual identified with the community. At the close of the time which I purpose to embrace, the nation resolves itself into a fermenting mass, in which the form, now that the soul has abandoned it, daily becomes more indistinct and decays.

Numberless are the events and the changes through which the Romans passed from one of these limits to the opposite: vast destinies, mighty deeds, and men who were worthy to wield a gigantic power, have preserved the memory of much in the story of Rome, even during the most ignorant ages. But in the early part of it poetry has

drawn her party-coloured veil over historical truth: afterward, vain fictions, still more frequently than popular legends under various forms, are mixed up, within the outlines of dry chronicles, with the scanty results drawn by one or two genuine historians from authentic documents: often they are irreconcilable and easily discerned; but sometimes there is a deceitful congruity: in no history does actual certainty begin comparatively later. Still however it is not on that account necessary to give up this most important of all histories for the largest part of its duration as hopeless. Provided only that no pretension be set up to that complete accuracy in minute details, which in truth is of no value to us, much may be ascertained in those periods, dark as they are, on no weaker historical evidence than we possess for contemporary events in Greece: and this we are bound to attempt.

It is in determining the internal history and condition of the state, that we may be most successful, even more so than in the same inquiries as to the Greeks. Few nations have, like the Romans, completed a life never cut short by the power of a stranger; none among these few with such strength and fulness. No other state has existed so long without any principle of its life being stifled: numerous and various from their origin, every one of them lives on, till it dies away; that which has outlived itself, is removed; and something similar is planted where a place has been left empty, or where new ground has been enclosed. Thus the state keeps itself youthful, the same in whatever is essential, evermore renewing itself; until a stoppage comes, and a standstill; and now follows, instead of the indestructible fulness of life, first languour, then deadly sickness. But during the very times, an account of which we must rather guess at than receive, the proportions were all so harmonious, the relations so answerable to one another, that when a few traces and remains of intelligible bearing have been brought to light, safe and certain conclusions may thence be drawn concerning other things

also, from which it is not allowed us to clear away the rubbish, or of which the lowest foundation stones have been torn up: even as in mathematics only a few things need be given, to dispense with an actual measurement.

As the sea receives the rivers, so the history of Rome receives into itself that of all the other nations which had previously been of name in the world around the Mediterranean. Many appear here only to perish immediately: others maintain their existence for a time, mostly in a struggle; but the contact sooner or later proves fatal. The history of the Romans must not allow that an image which shall give substance to the names of these nations, that a notion of their condition and character be sought elsewhere, and perchance not found; neither must it permit them to be passed by heedlessly, while an empty name or conceptions caught up at random are deemed sufficient: its business is to exhibit a satisfactory representation of them, so far as this can be effected by research and reflexion.

Livy had no such aims: he wrote, because nature had endowed him with a highly brilliant gift of seizing what is characteristic in humanity, and of narration; with the talent of a poet, only without the command of metrical language, or the delight in it. He wrote, not doubting, and yet without conviction, in the same spirit in which the marvellous legends of the heroic ages were commonly drawn down into history, even by those among his contemporaries who in the concerns of the present time and of their own experience were nothing less than credulous, at a period when a careless belief continued undisturbed from childhood on throughout life. Even those primitive times in which the gods walk among mankind, he would not absolutely reject: whatever was recorded of the more recent, so that it was not inconsistent with the earthly condition of our race, he only held to be less complete and certain, but of the same kind with the traditions of accredited history. The constitution he altogether neg-

lected, except when internal discord turned his attention toward it: on such occasions he saw and judged according to the prejudices of the party he had been attached to since the first recollections of his youth, against the persons bearing the same name, and therefore to him appearing the same, with those whom in the times of corruption he justly deemed the worst among the contending bad. Lastly, if in his later books he described unknown countries such as Britain from oral accounts, during the remoter ages he took no pains to procure any distinct conception of nations or states.

His wish was to forget the degeneracy of his own age, while reviving the recollection of what had been glorious or excellent in former times; and the easy security wherein the weary world was beginning to breathe again, could not but comfort him in his melancholy when he was delineating the fearful events of the civil wars: he desired to teach his countrymen to know and admire the deeds of their ancestors, which had been forgotten, or were heard of only from lisping narratives: and he bestowed on their literature a colossal masterwork, with which the Greeks have nothing of its kind to compare; nor can any modern people place a similar work beside it. No loss that has befallen us in Roman literature, is comparable to that of his books which have perished.

Yet had they been preserved, we should still have occasion to frame a Roman history suited to our needs. For in order that the story of an age which has wholly passed away, may be to us like that of the age we live in, in order that the Roman heroes and patriots may appear before us, not like Milton's angels, but as beings of our flesh and blood, we now want something more and something else, besides what we read in him so inimitably related: and can one fail to perceive, that even of this, much now after eighteen hundred years will not imprint itself on the memory of any reader, however interested in the subject? The devising and fabricating for ourselves

the wants of another age, even though we rank it higher than our own, and the disclaiming and refusing to satisfy the wants we actually have; such habits make us helpless and joyless, and are childish. The wish to vie with Livy as an historian, the fancy that the lost portions of his work might be replaced, if only our materials were richer, would be ridiculous. But there is no presumption in the thought of undertaking carefully and laboriously to examine, to combine, and thus to vivify our poor and fragmentary notices; so that by such means, during the periods where we have nothing better, that form, which readily arises where the material is plenteous and finely wrought, may still come forth living and complete in all that is most essential.

How far I may succeed, is at the disposal of a higher power. But to the researches in this history I owe the most animated days in the prime of my life; and since the continuation of this work will no less fill my old age than Livy's creation did his, it is a pledge to me too that my latter years will be fresh and cheerful. He who calls what has vanished back again into being, enjoys a bliss like that of creating: it were a great thing, if I might be able to scatter for those who read me, the cloud that lies on this most excellent portion of ancient story, and to spread a clear light over it; so that the Romans shall stand before their eyes, distinct, intelligible, familiar as contemporaries, with all their institutions and the vicissitudes of their destiny, living and moving.

ANCIENT ITALY.

The Romans are not accounted to belong to any of the Italian nations: the writers who talk with credulous simplicity about the people of Romulus as a colony from Alba, still do not on that account ever reckon them among the Latins; and in the traditions of the oldest times they appear equally strangers to all the three nations in the midst of which their city stood. Hence their history, if it only aim at giving an epical narrative of actions and events, may certainly insulate itself; and thus almost all among the ancients who wrote it, have severed it from that of the rest of Italy. But there is no glory from which the Romans were further removed, than from that of the Athenians, of being an original and peculiar people: they belonged to no nation, only because, as even their fables and disfigured legends let us clearly perceive, they arose from the combination of several that were wholly strangers to one another[1]. Each of these transmitted its peculiar inheritance in language, institutions, and religion, to the new people, which in every thing constituting a national distinction was assuredly always unlike some one of its parent races. The previous history of those nations would therefore prepare the way for that of Rome, even if the latter had remained

[1] This was the ground for the contemptuous assertion of the spiteful Greeks which Dionysius argues against, that the Romans were no nation at all, but a mob of outcasts gathered together from every kind of people, σύγκλυδες. (I. 89.) It is the same taunt from which Josephus defends his countrymen against Apion, who maintained with good reason that much the largest part of the Jews in Palestine and Egypt were not descended from the small colony sent back into Judea under the Persians, but from individual proselytes. Apion belonged to a people who had kept themselves unmixed, and from him the contempt for such as were without ancestry is intelligible; in Greeks it was mere malice.

confined to the city. But the tribes that peopled Italy vanished in the light of the city, and the nation of its citizens spread itself forth over the whole peninsula: the Romans whose story we know from contemporaries, were descended with very few exceptions—among the masters in oratory and poetry there is none but Cæsar—from allies who had become Romans: so that we cannot commend the historians of antiquity, for attending only to the stream that gave its name to the river, and overlooking all the tributaries, even though they be far mightier. We may and must censure those, who recorded tales having merely some local connexion with Rome, and left the story of the fall of the Umbrians, and of the rise and greatness of the Sabellians and Etruscans, unheeded to oblivion. Neither would the history of these nations find us employment solely from the importance of the events: Cicero, himself a Volscian, knew that his countrymen and the Sabines, that Samnium and Etruria, could boast no less than Rome of their wise and great men; and it cannot have been the Pontii alone, who raised their countrymen to a level with the Romans. But saving an obscure recollection of them, all the heroes and sages of the Italians and Tuscans are forgotten; scarcely has a dubious name been anywhere preserved. With regard to the difference of the races however, their migrations and conquests, single notices are to be found scattered over almost the whole surface of ancient literature, and on monuments. To collect these, and weigh them impartially, and thus in some measure to replace the information which we unfortunately want, is the more needful, inasmuch as these subjects have been treated throughout arbitrarily, without critical discrimination, nay but too often dishonestly: and these inquiries, and such accounts as can be deduced from them, are the necessary introduction to a Roman history by a modern writer.

Cato the censor, the first apparently who wrote the history of his country in the Latin tongue and not as a poet, interwove therein, on the occasions, as it would seem,

when the nations and cities of Italy come forward in Roman story, what he had learnt concerning the origin and movements of the former, and the foundation of the latter[2]. To him we are indebted, even where he is not named, for much of what has come down to us on these subjects. The time he lived in was very favorable to his undertaking: the Etruscans, Oscans, and Sabellians still existed as nations; and although to be a Roman citizen was esteemed the highest privilege, yet the dignity of the other states had not disappeared, and the recollections of their old times had not become indifferent to the later generation. They, as well as Rome, had their fasti and calendars: their annals are quoted[3]; and in places which had not, like Rome, forgotten their old language, and preserved only fragments from the general wreck, these must have gone further back than the Roman. Now if they only grew up from year to year under the hands of the magistrates or the priests, they will have been scanty, but, so far as they extended, the more authentic. There is however the highest probability, that among nations like the Oscans, who were familiar with Greek art, and like the southern Sabellians, whose taking part in Greek philosophy even as authors is assuredly no fable invented without a foundation[4], historians both in Greek and in their native language had arisen, long ere a literature began at Rome. Before the Marsic war the latter

[2] Hence, with the exception of what concerned the Ligurians and the Alpine tribes, these notices found a place partly in the first book which contained the history of the kings, partly in the next two which related the Italian wars. This division is evidently the model copied by Appian in arranging the books of his history, the first three of which have the same contents. And thus one must conceive Cato's *Origines* to have only accidentally followed the order of time: for instance, the Illyrian war will have occurred in the sixth book, not in the fifth.

[3] Prænestine books, in the Latin language indeed, are cited by Solinus p. 9. G.; a history of Cuma, by Festus v. Romam. The Etruscan annals will be spoken of hereafter.

[4] I do not hereby mean to stand up for the pretended individual Pythagoreans among the Lucanians.

was in its youthful prime; and yet learning and the rhetorical arts were still more flourishing among the Latins[5], a name comprehending at least all the Italians who had adopted the use of the Latin language. The wish of a man like Cato, who stood at the head of his order, to have books communicated to him, and, where he needed it, translated, was a command to the subjects of Rome.

Documents and inscriptions on brass and stone supplied still richer and surer materials for a history than books: many such have come down to our times in unintelligible languages, a mere useless treasure; and in those days little of this sort can have perished, at least in the middle of Italy, where most places had suffered but slightly either at the time of their conquest or during Hannibal's war. At Athens attention had been directed toward this source of strict historical information for a century and a half before, ever since the Athenian history had reached its close: but the Romans were blind to their own documents; and those of Italy can scarcely be reckoned among Cato's materials.

Sixty years after he wrote, came the Marsic war; and that was followed by the times of Sylla. Such terrible ravages, which spreading from place to place visited every region of Italy, and entirely swept away the citizens of the principal towns, must also have destroyed monuments of every kind, especially writings: in many districts the population was changed. This was the final vengeance on Samnium; this the end of the persevering resistance opposed by Etruria to Sylla's tyrannical and short-sighted resolution to do away with every thing that for centuries had been conceded to circumstances, of her struggle to maintain rights with which she had been rewarded for severing herself from the cause of Italy. The old Etruscan nation with her science and her literature perished then: the nobles, who had led the common

[5] Cicero de Orat. III. 11. (43). pro Archia 3. (5).

cause, fell by the sword: military colonies were settled in the large towns, and the Latin language alone became prevalent: the greatest part of the nation lost all landed property, and pined in poverty under strange masters, whose oppression deadened all recollections in the degraded generation that followed, and left them no other wish than that of becoming Romans altogether[6]. The Oscan language indeed had not yet quite vanished at Pompeii and Herculanum when they were destroyed: Gellius seems to mention the Tuscan as a tongue still living in his days*; but writings and monuments in it were as unintelligible as the Punic or Iberian, and perished equally unheeded: the theological books were read in Latin translations.

The writings of Varro, who had frequent occasion to speak about the ancient times of Italy, and from whom much on these subjects is cited, are not in this respect an important loss, great as the value of his information is for a history of Roman manners. He understood nothing of Tuscan, hardly knew much of Oscan, and seems not to have made amends for these deficiencies by other expedients. What we learn as recorded by him concerning the early history of Italy, is, with the exception of the account that enumerates the primitive cities of the Aborigines, for the most part utterly worthless: at times he evidently follows late and worthless Greek writers, and once even a manifest impostor[7]: it is unfortunate that his authority has led Dionysius and others astray.

Ovid's contemporary and friend Julius Hyginus wrote

[6] The intentional exstirpation of the higher classes among the Mexicans, the few survivors either attaching themselves to the conquerors or sinking into contempt, was the cause that within a century the science and learning of this remarkable people were lost, and even its arts, although they had been cultivated by the lower orders which suffered less, and not by the higher castes. Rome did not burn the ancient writings: but it despised them.

* xi. 7.

[7] Lucius Mallius, for thus Μάμιος emends itself: his Dodonæan oracle is such a palpable fraud, that the wary Dionysius can hardly be quite honest here. i. 19.

on the origin of the Italian towns, without critical discrimination, building on very late Greek authors who were undeserving of any regard. Yet he has been often quoted by grammarians, and even so early as by Pliny, in whose description of Italy much has flowed from this turbid source. The same Pliny, as appears from the list of the works he had made use of, did not think it worth while to study the twenty books of the Tyrrhenian histories by the emperor Claudius. Universal contempt seems to have crushed that unfortunate work from its very first appearance, so that not a line has been any where quoted from it: but the Lyons tables shew that Claudius was accurately acquainted with the Tuscan annals; and, as he searched in the Roman archives[8], it may be presumed that to perfect his history he would cause similar researches to be made among the Etruscan monuments. The earliest story of Rome has no greater loss to deplore; and considering the advantages of the imperial dilettante, we may conclude that neither the Etruscan history of Flaccus, nor the work of Cæcina[9], though in every other respect they may have been far better, came near it in historical importance.

Cato's knowing nothing of the Oenotrians, proves that he had never read even Timæus, much less Antiochus. Least of all can we suppose him to have used the *Polities* of Aristotle, which not only embraced Tarentum and other Greek cities in Italy, but must also have described Italian nations, nay, one might suspect, even Rome itself[10]. That this account of the history and constitution of more than a hundred and fifty states

[8] Suetonius Claud. 25. He produces the letter of the Senate to Seleucus.

[9] Both these works have been made known to us by the Veronese scholia on the Æneid. x. 183. 198.

[10] Plutarch Camill. p. 140. a. Quæst. Rom. p. 265. b. Dionysius I. 72. At least it is an unpardonable negligence in Pliny, who ought to have been familiar with the whole circle of Aristotle's writings, to have overlooked him among the Greeks that spoke of Rome before Theophrastus.

possessed the same excellencies which have made Aristotle's writings on natural history immortal, is clearly apparent from what has been preserved of it on the Athenian constitution; it may be inferred too from the critical remarks on various governments contained in the *Politics*. To this master of the learned[11], the criminal laws of Cuma after it had become Oscan, and a mythical legend about the foundation of a city, were no less attractive than speculations about first causes and final aims, than observations on animal life or on poetry: and this variety of pursuit was the characteristic endowment of his school.

It was not till late that Italy within the whole circumference of its natural boundaries, the Alps and the sea, was included under this single name. So long as it consisted of independent states peopled by different races, natives and strangers knew only of its parts, calling them after these races, or after the former inhabitants then extinct. Thus Asia Minor at first had no common name: had it continued united into one state, after Crœsus had subdued the country as far as the Halys, the name of Lydia might have come into use for the whole, as that of Asia did subsequently for the countries belonging to the kingdom of Pergamus, and that of Asians for their inhabitants. Italia and Oenotria, Ausonia or Opica[12], Tyrrhenia, Iapygia, and Ombrica, are appellations derived from the Greek names of the people who, when the Greeks first settled in these countries, possessed the coasts of the regions thus denominated: and so many were the countries placed by their chorography in the peninsula to the south of the Po and to the east of the Macra. Ligystica, which even with Scylax commences beyond the Rhone, is not bisected by them where the Apennines branch off from the Alps: the Eneti they

[11] Il maestro di color che sanno. Dante.

[12] Also Opicia: Thucyd. vi. 4.

numbered among the Illyrians. This old division is observed, not indeed without deviations, nor with any fixed unchangeable boundaries, until the time of Aristotle; although in some parts it no longer suited with the inhabitants: for the Sabellian nation, which had not been noticed by the earlier Greeks, had sent forth tribes that formed powerful states in the land of the ancient Italians and Opicans, under the name of Samnites, Lucanians, and Campanians. No Greek before the time of the Macedonian dynasty will call the Chalcidian Cuma a town in Italy, but in Opica[13]; as Aristotle calls Latium a region in Opica[14]: and if Sophocles in his *Triptolemus* praised Italy "rich in white grain[15]," this must not, as Pliny conceived, be referred to the fertile Campania, which lay far beyond the limits of the Italy known to the age of Sophocles, but to the Siritis so famous among the Greeks, and to the plains of Metapontum. In that tragedy, of which Dionysius has unfortunately thought it enough to quote but three lines[16], Sophocles appears to have mentioned in succession Iapygia, then the east coast of Oenotria under the name of Italia, then the west coast, calling this exclusively Oenotria[17], and then, passing over Opica, finally the Tyrrhenian coast and Ligystica; thus enumerating in order the maritime regions of the peninsula.

Italy originally was the peninsula which is bounded by the isthmus only twenty miles in breadth[18] between the Scylletic and Napetine gulph, where the Apennines and the chain of mountains, which running off from Etna is torn asunder at Rhegium, are connected by low hills: it was the southermost part of what was afterward called

[13] Thucyd. VI. 4.

[14] Dionys. I. 72.

[15] Plin. Hist. Nat. XVIII. 12.

[16] I. 12.

[17] Herodotus coincides in this view, (I. 167.) placing Velia in Oenotria, not in Italia; and the very same distinction is found in Scymnus: compare v. 248 ff. and 299 ff.

[18] 160 Stadia. Strabo VI. 4. p. 255. a. Half a day's journey. Aristot. Polit. VII. 9.

Bruttium. This statement is founded on the relation of Antiochus of Syracuse, the son of Xenophanes, whom Aristotle quotes, though not by name, citing the testimony of native historians[19]. Now Antiochus is not indeed a very ancient historian, as Dionysius calls him[20]; he was the contemporary of Herodotus, and probably younger: for he closed his Sicilian history with the year 331. Ol. 89. 2[21]: but he was the oldest among the natives of these countries. It was from him without doubt Dionysius also learnt that the name of Italia was applied in a wider sense to the land inhabited by the Oenotrian tribes, which in remote antiquity possessed the coast as far as Posidonia[22]; a fact which he refers to those primitive ages when the vicissitudes of nations are related as the story of princes bearing their name. For his own days however Antiochus drew narrower limits for Italia, by a line from Metapontum to the river Laos, which afterward separated Lucania from Bruttium[23]: the Lucanians had already forced their way in, and made themselves masters of the western coast. Tarentum he places out of Italia in Iapygia: in the same manner Thucydides, who wrote about the year 350, separates Iapygia from Italia[24]. Hence the Tarentines have as little share as the Cumæans in the name of Italiots; which however certainly reached to Posidonia, and did not terminate with Velia. Long afterward usage still observed these limits[25]. In the fragment

[19] Aristot. Polit. VII. 9. p. 198. Dionys. I. 35. Strabo VI. 4. p. 254. d.

[20] Συγγραφεὺς πάνυ ἀρχαῖος. I. 12.

[21] Diodor. XII. 71.

[22] I. 73. Ἦν δὲ τότε Ἰταλία ἡ ἀπὸ Τάραντος ἄχρι Ποσειδωνίας παράλιος.

[23] Strabo VI. 4. p. 254. d. Ὅριον δ' αὐτῆς ἀποφαίνει πρὸς μὲν τῷ Τυρρηνικῷ πελάγει τὸν Λᾶον ποταμόν· πρὸς δὲ τῷ Σικελικῷ τὸ Μεταπόντιον. Τὴν δὲ Ταραντίνην ἐκτὸς τῆς Ἰταλίας ὀνομάζει, Ἰάπυγας καλῶν.

[24] VII. 23. speaking of the great armament under Demosthenes and Eurymedon, κατίσχουσιν ἐς τὰς Χοιράδας νήσους Ἰαπυγίας, καὶ—(ἐκεῖθεν) —ἀφικνοῦνται ἐς Μεταπόντιον τῆς Ἰταλίας.

[25] The seventh Platonic epistle, which unquestionably is of a better cast than

of a descriptive explanation of the winds, attributed to Aristotle, it is said that the Thrakias in Italy and Sicily is called Circas, because it blows from the promontory of Circeii. From the local names there adduced for the same wind from Thrace, Lesbos, and Megara, it must clearly have been a northwestern; and with reference to Calabria and Sicily, Circeii may in this respect be regarded as lying almost in the same line. I do not indeed consider this fragment to be Aristotelian; for it contains passages at variance with works of unquestionable genuineness[26]: still it is certainly not older[27]; perhaps, as at least one other work that has been mixed up with his writings[28], it was by Theophrastus. The latter distinguishes Latium from Italia[29] in his History of Plants, which must have been published no long time after the death of Cassander (Ol. 120. 3. 454[30].) Whether the

almost all the rest, speaks of Tarentum as in Italy: this is one of the historical proofs from which I pronounce it without hesitation to be spurious. The passage is p. 339. d. τῶν ἐκ Σικελίας τε καὶ Ἰταλίας ἑλκόντων—μέ. The former are Dionysius and Archedemus; the latter Archytas καὶ οἱ ἐν Τάραντι.

[26] The Meteorologics II. 6.

[27] Aristotle died in the year 433.

[28] The Economics, the first book as it is called; this is now established from Philodemus.

[29] The whole passage (Hist. Pl. v. 9.) is very remarkable, but incurably corrupt: however what here concerns us, is not to be mistaken: τῶν ἐν τῇ Λατίνῃ καλῶν γινομένων ὑπερβολῇ, καὶ τῶν ἐλατίνων καὶ τῶν πευκίνων, μείζω ταῦτα καὶ καλλίω τῶν Ἰταλικῶν, οὐδὲν εἶναι πρὸς τὰ ἐν τῇ Κύρνῳ.

[30] This I infer from the passage in the chapter just cited, where Theophrastus speaks of the undecireme of king Demetrius built of Cyprian timber. That island was lost before the year 458. Had the publication been longer deferred, some ten years later, he would surely have spoken of the much larger ship which Demetrius when king of Macedonia laid on the stocks. From the archons mentioned in the History of Plants, the time of its completion and publication may be deduced negatively. These chronological notices shew indeed during how long a time previous to the publication such additions as suggested themselves were incorporated by the philosopher with his work, which had been composed, but not yet laid before the world. In the year 117. 2. he wished to state that Cyrene had then stood for about 300 years; so he named the archon of the day (VI. 3.) Thus natural phenomena were related to him as having occurred about so many years before: all these dates might have been referred to the year of the

Tarentines, as Pausanias says [31], invited Pyrrhus expressly to Italy, cannot be determined with confidence from the words of a late writer, who assuredly did not weigh their import: yet it is highly probable that about the time of Pyrrhus the union which was occasioned by the conquests of the Romans, gave rise to a unity of name; that is, for Southern Italy.

That the collection of marvellous stories which appears among the writings of Aristotle, cannot have been his work, is demonstrated, if there be any to whom the language and spirit of the book do not speak intelligibly enough, at all events by the mention of Cleonymus and Agathocles: yet it must have been written before the end of the first Punic war, because it talks of the Carthaginian province in Sicily. Many of these stories, especially such as relate to western Europe, seem to have been borrowed from Timæus, whose history was full of wonderful tales: now Timæus wrote about or after the year 480; and the other work may for this inquiry be considered as of the same age. Here however Italy has a far wider extent: the Sirenusæ, Cuma, and Circeii, belong to it: but Tyrrhenia and the land of the Ombricans are mentioned separately: and thus Italy seems at that time, though not indeed with any precisely defined boundary, to have stretched about as far as to the Tiber and to Picenum [32]. And in reality among the nations

publication; but it was quite superfluous. Numberless other additions must have been made in the same way, which are not to be detected, not being appended externally, but immediately wrought into the work itself. In like manner Aristotle has evidently enlarged his Rhetoric, which in its first sketch was one of his earlier works, with additions till toward the close of his life. Such books, which were kept to be continually worked at, and to which none but disciples could gain admission, I hold to be what were called esoteric: the letter attributed to Alexander, which is perhaps genuine, agrees very well with this view.

[31] Attic. c. 12.

[32] Timæus himself would scarcely have given an etymology for the name of Italy in his Roman history, unless it had already become more widely prevalent.

to the east of this line, who as then for the most part were at once connected with each other and separated from the northwestern tribes by their language, there existed a union which was completed by their common civil relation to Rome, and which taught them to look upon themselves as Italians and children of the same people: this is evident in the Marsic war. Even before in that of Hannibal the Etruscans and Umbrians had taken no part: in the Marsic war the inhabitants of this enlarged Italy were all under arms; they called the capital of their confederacy Italica; and such of their coins as are inscribed with Latin characters, have the name Italia[33]. Yet the *broad Italy* in the epigram of the Messenian Alcæus on the victory of Flamininus in the year 557, must be the whole peninsula; and half a century before the Marsic war, about 615, Polybius uses the name of Italy in the widest extent, as reaching to the Alps, comprising Cisalpine Gaul and Venetia, only perhaps leaving out the Italian half of Liguria. That M. Cato in his *Origins* treated also of the descent of the Ligurians, the Euganeans, and the Alpine tribes, does not prove that he included them in Italy: for why should he lay down a rule for himself, not to make any inquiries concerning the descent of any people beyond the boundaries of Italy, or, if he heard anything about them, not to admit it into his work?

Toward the end of the Roman empire, when Maximian had removed the imperial residence to Milan, the name of Italy in the official language was again confined to a narrower circle; to the north, as it had originated in the extreme south. The country it was then especially applied to, comprehended the five annonary provinces,

[33] Micali with great plausibility explains the Oscan *Viteliu* on the Samnite denary of the same age to be the Sabellian form of *Italia*. T. I. p. 52. The analogy of *Latium Samnium* gives *Italium*, or with the digamma *Vitalium*, *Vitellium*; and *Vitellio* is like *Samnio*. *Vitalia* is mentioned by Servius among the various names of the country: on Æn. VIII. 328.

Emilia, Liguria, Flaminia, Venetia, and Istria[34]: from this usage the kingdom of the Lombards received its name: and as its limits, if they did not include Istria, stretched much further southward, there was nothing of arrogant assumption in the title.

Names of countries were always formed in antiquity, as by the Germans afterward, from the name of the people[35]; and Italia means nothing else than the land of the Itali. Nor is it to be explained, except from that unspeakable spirit of absurdity which always came over even the most sagacious Greeks and Romans the moment they meddled with etymology, how any one could stumble on the notion of interpreting that name immediately out of itself, because in the Tyrrhenian or the ancient Greek[36] *italos* or *itulos* meant an ox. The mythologers connected this with the story of Hercules driving Geryon's herd[37] through the country: Timæus, in whose days such things were no longer thought satisfactory, saw an allusion to the abundance of cattle in Italy[38].

The name of the people was derived by the Greeks from a king or lawgiver of the Oenotrians: in the Oscan name of the country, which, as we have seen, was Vitellium, there is an evident reference to Vitellius, the son of Faunus and of Vitellia, a goddess worshipt in many parts of Italy[39]. If any thing at all can be divined concerning the oldest genealogies of those races which were not

[34] Jac. Gothofredus ad l. 6. C. Th. xi. 1. de annona et tributis.

[35] Egypt is perhaps the only exception: but its river, which was so called by the Ionians, gave an occasion for this, such as was nowhere else to be found.

[36] In the former, according to Apollodorus Bibl. ii. 5. 10.; in the latter, according to Timæus quoted by Gellius xi. 1. Hellanicus of Lesbos cited by Dionysius, i. 35, does not determine the language. Tyrrhenian however here does not mean Etruscan, but Pelasgic, as in the Tyrrhenian glosses in Hesychius.

[37] Hellanicus and Apollodorus in the passages just referred to.

[38] Gellius xi. 1. Piso, in Varro de re r. ii. 1, borrowed the explanation from the Greeks.

[39] Suetonius Vitell. i.

Etruscan, it is that they were traced up to Faunus; that of the Oenotrians through Vitellius, that of the Latins through Latinus: about the Sabines and Sabus I feel doubts, because they were not of the Pelasgic stock.

Dionysius says, before the time of Hercules the Greeks called the whole peninsula Hesperia or Ausonia, but the natives Saturnia[40]. I will not seriously reprehend the folly of attempting to determine historically what is earlier or later in a mythical age: but there was more consistency in the captiousness of those Alexandrian critics who found fault with Apollonius for speaking of Ausonia during the Argonautic expedition, when that name came from a son of Ulysses and Calypso[41]. Hesperia, being a name that had an air of antiquity, is frequently used by Roman poets after Greek models who have been lost: in the Greeks preserved to us it occurs but very seldom. The inscriptions on the Iliac table make it probable that Stesichorus in his Ἰλίου Πέρσις sang of the wanderings of Æneas toward Hesperia[42]; and Agathyllus in Dionysius says, "Æneas hastened to Hesperia[43]." But properly this name embraced the whole West, as *Hesperia magna*, of which Iberia made a part quite as much as Italy. Thus according to our usage the Levant and Anatolia are comprehended as parts in the East. Ausonia on the other hand did not extend any earlier than Italy beyond the limits of a single district. As such it was synonymous with Opica: afterward the country between the Apennines and the lower sea was so

[40] I. 35.

[41] Schol. Apollon. IV. 553. This was the derivation universally current: but the poet might have come off: for there is another which goes back to a barbarous name of the country, Αυζην. See the Etym. Magn. v. Αὔσονες.

[42] Αἰνήας (thus) ἀπαίρων εἰς τὴν Ἑσπερίαν. Tychsen Comm. de Q. Smyrnæo III. s. 11. p. 74.

[43] Αὐτὸς δ' Ἑσπερίην ἔσυτο χθόνα. I. 49. This Agathyllus probably belonged to the Alexandrian age. The line of Ennius, *Est locus, Hesperiam quam mortales perhibebant*, is just as likely to be an imitation of a very recent Greek, as of a poet of the good age. In the Anthologia one finds Hesperia, but not before Agathias.

called[44]. In this enlarged sense Apollonius (under Ptolemy Euergetes, between 504 and 513) certainly uses Ausonia for the whole coast of Italy on the lower sea, even for that of Etruria[45]: Lycophron on the contrary, who lived later, after 560, calls the whole southern half of the peninsula Ausonia; corresponding with the Italia of Timæus, and to the exclusion of Tyrrhenia and Ombrica[46]. Saturnia, a name used according to Dionysius in the Sibylline oracles, of which however he could only know the later and forged set, may perhaps among the ancient Latins have been the appellation for a part of central Italy, wherein Latium was contained; to what extent however we cannot now define: hence the Saturnian verses, sung in the peculiar rhythm of these nations. But the traces of this name are so faint, that all we can say with confidence is, it certainly never came into general use for the whole peninsula.

[44] Fest. Epit. v. Ausoniam. In this sense the Island of Circe, Ææa, is accounted in Ausonia. Apollodor. I. 9. 24.

[45] Argon. IV. 553.

[46] The Sicilian strait v. 44; Arpi and Apulia v. 529; Opica properly so called, and the Apennines v. 702; Oenotria vv. 922. 1047. That Lycophron separated Tyrrhenia and Ombrica from Ausonia, is shewn by vv. 1239. 1360. He does indeed call Agylla Ausonian; but this is before the Tyrrhenians took possession of it: v. 1355. Ausonia is used as a general name for Italy as well by Dionysius Periegetes, as frequently in the Anthologia, but by no poet older than Antipater of Thessalonica. The worthless Orphic Argonautics by the Ausonian islands appear to mean even Sicily, Sardinia, and Corsica. v. 1255. In the fifth and sixth centuries, to one of which that poem belongs, such as wish to write elegantly, sometimes call the Italians of their age Ausonians even in prose; and in Priscus (Excerpt. de Legat. p. 59. B.) Ausonian seems to be equivalent to *Volgare*, and distinguished from Latin.

THE OENOTRIANS AND PELASGIANS.

CONCERNING the origin of the Oenotrians Pherecydes wrote[47]: that Oenotrus was one of the twenty sons of Lycaon, and that the Oenotrians were named after him, as the Peucetians on the Ionian gulph were after his brother Peucetius. They migrated from Arcadia[48], seventeen generations before the Trojan war, with a numerous body of Arcadians and other Greeks, who were pressed for room at home: and this, says Pausanias[49], is the earliest colony, whether of Greeks or barbarians, of which a recollection has been preserved.

Other genealogists have stated the number of the Lycaonids differently: the names which occur in Pausanias amount to six and twenty, and several may probably have dropt out of his text. Apollodorus[50] says there were fifty, and one name is wanting in him. Very few in the two lists are the same: Pausanias has no Peucetius, Apollodorus neither him nor Oenotrus: but what is strangest is, that, though all their names indicate them to have been founders of races or of cities, still the latter mythologer makes them all perish in Deucalion's flood. It is clear that he or the author he followed absurdly mixed up a legend about certain impious sons of Lycaon, who perhaps were nameless, with the tradition which enumerated the Arcadian towns and those of kindred origin according to their reputed founders.

Legends of this kind will not be considered by any one as historical: but as national pedigrees, like the Mosaical, such genealogies are deserving of attention; since they present views concerning the affinity of nations, which

47 Quoted by Dionysius I. 13. Compare I. 11.

48 Dionysius I. 11.

49 Arcad. c. 3. p. 238. b. Sylb.

50 Biblioth. III. 8. 1.

certainly were not inventions of the genealogists, themselves early writers according to the scale of our literature, but were adopted by them from poems belonging to the class of the Theogony, or from ancient treatises, or current opinions. That some parts indeed of these genealogies are grounded on very erroneous suppositions, or at least on accounts imperfectly understood, is exemplified in the Mosaical; which represents races, belonging unquestionably to entirely different families, as connected: and I am very willing to allow that the Greek mythologies may contain still greater errours. But if we find mention of the Pelasgian nation in the latter, they may at least be referred to an age when that name and nation were no mystery, as they were to the later Greeks, for instance to Strabo: and even if the Arcadians had become transformed into Hellens, still a very distinct recollection may have been retained of their affinity with the Thesprotians, whose land contained the oracle of Dodona, as well as of that between these Epirots and other races; which is implied in the common descent of Mænalus and the other Arcadians and of Thesprotus and Oenotrus from Pelasgus. Nor does this genealogy stand alone in calling the Oenotrians Pelasgians: evidence to the same effect, perfectly unexceptionable, and as strictly historical as the case will admit of, is furnished by the fact, that the serfs of the Italian Greeks, who must have been Oenotrians, were called Pelasgians[51]. In addition to this we have less authentic, but very various, statements exhibiting the Pelasgians in many different quarters of Italy.

The name of this people, of whom the historical inquirers in the Augustan age found no trace among any then subsisting, and about whom so many opinions have been so confidently maintained in recent literature, is irksome to the historian, who hates such spurious philology as raises pretensions to knowledge concerning races so buried in silence, and is revolting, on account of the scandalous

[51] Stephanus Byz. v. Χῖος.

abuse that has been made of imaginary Pelasgic mysteries and lore. This feeling of disgust has hitherto kept me from speaking of the Pelasgians in general; especially as I might only be opening a way for a new influx of writings on this unfortunate subject. I was desirous of confining myself to the tribes of this nation mentioned as settled in Italy; but this would leave the investigation wholly unsatisfactory; and what I am now about to communicate does not pretend to make out any thing else than Strabo for instance, if he had set what he knew distinctly before his own mind, might have given as the result.

The Pelasgians were a different nation from the Hellens[52]: their language was peculiar and not Greek[53]: which assertion however must not be stretched to mean a difference like that between the Greek and the Illyrian or Thracian. Nations whose languages were more nearly akin than the Latin and Greek, would still speak so as not to be mutually understood; and this is all that Herodotus attends too: who, distinctly as he separates the two nations, yet varies from all other Greeks in classing the Epirots among the Hellens[54]. That there was an essential affinity between them, notwithstanding this difference, is probable, from the ease with which so many Pelasgian nations ripened into Hellens; and from the Latin language containing an element which is half Greek, the Pelasgic origin of which seem unquestionable. Herodotus says that in process of time they grew to be accounted Greeks[55]. It was from the Pelasgians that the Greek theology was derived[56]; and to them belonged the oracle of Dodona. Their name was

[52] They are thus distinguished by Herodotus.

[53] Herod. I. 57. Tyrrhenian and Siculian words are Pelasgic: but how few of these in the glossaries have escaped being corrupted by the transcribers! The name Larissa, borne by two ancient capitals of the nation, in Thessaly and Asia, by the citadel of Argos, a town near the Liris (Dionys. I. 21.), and many other places, may pass for a Pelasgic word.

[54] He speaks of Thesprotia as in Hellas, II. 56: and ranks the Molossians among the Hellens, VI. 127.

[55] II. 51. ὅθεν περ καὶ Ἕλληνες ἤρξαντο νομίζεσθαι.

[56] Herod. II. 51.

most probably a national one[57]; at least the Greek etymologies of it are absurd.

As there are creatures, of races that seem to have outlived a period of other forms, which look like strangers left to languish in an altered world, so the Pelasgians, in that part of history to which our monuments and traditions reach, appear only in a state of ruin and decay: and this is why they are so mysterious. The old traditions spoke of them as a race pursued by the heavenly powers with never-ending calamities[58]; and the traces of their abode in very widely distant regions occasioned the fancy, that they had roamed about from land to land to escape from these afflictions. And whereas the best acquisition of nations as well as individuals is the memory they leave, no people has been so hardly dealt with in this respect as the Pelasgians. Even Ephorus, early as he lived, seems to have refused them the character of a nation, and to have imagined that the name was assumed by a band of marauders, who issued from Arcadia and received accessions from a variety of tribes: whereas he that views the fable of their wanderings in a different light, and searches for traces of their diffusion, will on the contrary recognize that they are one of the very greatest nations of ancient Europe; who in the course of their migrations spread almost as widely as the Celts.

It is not an arbitrary fiction of the poet, when he makes king Pelasgus, the son of Palæcthon, boast, that he and his people are masters of the whole country to the west of the Strymon[59]. At the time when the Carians were still inhabiting the Cyclades, and were even settled with other barbarous nations in several quarters on the continent of Greece, while the Hellens were confined to the northern mountains; the Peloponnesus and the largest part of Greece belonged to the Pelasgians[60]; but this was a

[57] See notes 51 and 84.

[58] Dionysius I. 17. ἐχρήσατο τύχαις δυσπότμοις.

[59] Æschylus. Suppl. v. 248.

[60] Πελασγῶν ἐχόντων τὴν νῦν Ἑλλάδα καλευμένην: Herod. VIII.

very small part of the countries they occupied. It may here be remarked, that the way in which the Hellens spread is like that in which the Romans and Latins spread in Italy: a detachment of them settled amid a far more populous community of a different, though not wholly foreign, nature; and this community adopted the language and laws of the colonists, in order to resemble them. For no other meaning can be attached to the account of Thucydides, how Hellen and his family were called in and received[61]: the invaders who gave a Dorian character to the inhabitants of the three districts in the Peloponnesus, were much inferior to them in number.

The Arcadians, the most ancient Argives, and the Ionians, were all Pelasgian races; and it is probable that the whole Peloponnesus originally had no other inhabitants. The people of Attica too are termed Pelasgian Cranai, even before the Ionian immigration: but the Bœotians and Locrians were not accounted Pelasgians. Thessaly was their second great territory in Hellas, or, as the general name then was, in Argos. Hence Thessaly bore the name of the Pelasgian Argos, and a part of it retained that of Pelasgiotis: the hypothesis which supposes the Pelasgians in the middle of Italy to have migrated thither from the East, brings them from Thessaly, as from their home; and the words Thessalian and Pelasgian are used as equivalent[62]. No change was made in this respect by the migration of the Thessalians properly so called into Hæmonia; for the Thesprotians were Pelasgians: their progenitor is mentioned in Apollodorus among the Lycaonids; according to others Pelasgus after the deluge came into Epirus, and appointed one of his followers king of the Molossians and Thesprotians[63]; many,

44: which says still more, and too much, since it excludes the Leleges, Caucones, and others. Hellas was anciently called Pelasgia, says the same author II. 56. The converse will not hold.

[61] Thucyd. I. 8.

[62] Strabo v. p. 220. d. τῶν Θετταλῶν τις, of the Pelasgians at Cære.

[63] Plutarch Pyrrh. I.

says Strabo, call the Epirot nations Pelasgians[64]: and Dodona is universally acknowledged to have been Pelasgian ground. The Epirots are distinguished in the most positive manner by Thucydides and other writers from the Greeks, and are expressly termed barbarians: in opposition to which the indulgence of Polybius in classing them among the Greeks is of no moment: though this is certainly another instance of the ease with which a Pelasgian people was transformed into Greeks. To the Epirots also belonged various races inhabiting the northern skirts of the mountains which afterward composed Upper Macedonia, the Orestians, the Pelagones, the Elimiots[65]: and on the opposite border the barbarian tribes which were subsequently united to Ætolia when enlarged, the Amphilochians, Agræans, and others. The land near the mouth of the Achelous, which flows through or by the territories of the last mentioned tribes, was occupied in the mythical age by the Teleboans, who derived their name from one of the Lycaonids and must be considered as Pelasgians. So must the Dolopians, from whose mountains that river descends: for the Pelasgians who inhabited Scyrus and Sciathus, are in the former island called Dolopians[66]. That the tribes on the Achelous were members of the Amphictyonic league, is no proof of their Hellenic origin: for the Thessalians were among the leading Amphyctyons; and the main tie in that association was religion, in which the Pelasgians and Hellens agreed.

To the north Æschylus bounds the Pelasgian land by the Strymon and the Algos; a description which in him must be construed with geographical strictness, whether we are to understand an Illyrian or a Macedonian river by the Algos: thus the poet includes Macedonia in Pelasgia. When Macedonia became a great kingdom, the

64 v. p. 221. b. 65 Strabo IX. p. 434. d.

66 Scymnus. v. 582. Dicæarchus, p. 26. Πελασγία Σκύρος. Plutarch Cim. c. 8. p. 483. b.

largest part of the Macedonian nation consisted of Greeks, Illyrians, Pæonians, and Thracians; but still its core was a peculiar people, which must no more be considered as Greek than as Illyrian. I hold it to have been Pelasgian, on the authority of Æschylus, and on a variety of grounds. Among the Lycaonids there is a Macednus: in a legendary history probably derived from Theopompus, the subjects of the first king are called Pelasgians[67]: and the Elimiots, who according to Strabo were an Epirot, that is, a Pelasgian race, belonged to the genuine Macedonians[68].

A people, of whose descent we have no credible account, the Bottiæans, were dwelling intermixed with the Chalcidians at the beginning of the Peloponnesian war. It is evident that they were not Greeks, nor yet wholly alien barbarians, like the neighbouring Thracians. If this character raises a presumption that they must have been Pelasgians, it is hightened by the circumstance, that Bottia was the seat of the most ancient Macedonian Pelasgians[69].

The Tyrrhenian Pelasgians on mount Athos may have been merely fugitives from Lemnos: but Lemnos, Imbrus, and Samothrace, were celebrated Pelasgian countries, and continued so down to the historical period[70]: the account that the Pelasgians migrated thither from Athens, does not rest on any decisive authority: or even if we ought not to reject it, still probably it was by a kindred race that they were received; for these regions were filled with Pelasgian tribes. They were the inhabitants of Lesbos and Chios, before the Greeks took possession of them[71]; and, according to Menecrates of Elæa, of the whole coast of Ionia from Mycale[72], and of Æolis: the shore of the Hellespont

[67] Justin VII. 1. [68] Thucydides II. 99.

[69] In the passage of Justin before cited (VII. 1.) I read *regio Bottia*, for *Bœotia*. Having no critical apparatus for this author, I know not whether there are any various readings which confirm my conjecture. Bottia is the name of the country on the Axius.

[70] As to Lemnos and Imbrus no references are necessary: of Samothrace this is said by Herodotus, II. 51.

[71] Strabo V. p. 221. b. XIII. p. 621. b. [72] Strabo XIII. p. 621. b.

as far as Cyzicus was peopled by them, before they were overpowered by the Milesians[73]; and even in the days of Herodotus two of their towns on that coast were still in being[74]. No point in the earliest history of nations can be made out with greater historical certainty, than belongs to the statements from which this summary is collected. I will therefore separate it from the opinion, which I bring forward as a conjecture, that the Teucrians and Dardanians, Troy and Hector, ought perhaps to be considered as Pelasgian. The seat of those tribes lies between the Pelasgian districts on the Hellespont and in Æolis: that they were not Phrygians was clearly perceived by the Greek philologers, who had even a suspicion that they were not barbarians at all. According to the earlier Greek account, Dardanus came from the Pelasgian country, Arcadia, and from Samothrace, the Pelasgian island: according to that which Virgil followed—for he certainly did not invent it—from the Tyrrhenian Corythus, the capital of those Tyrrhenian Pelasgians whose wanderings terminated in the islands adjacent to Samothrace[75].

The progress of my investigation will lead me back into these regions: for the present I must leave them and turn toward Italy. In the Cyclades, which, with the exception of scattered Phœnician settlements, were inhabited by Carians, none but the Dryopes of Cythnus can pass for Pelasgians; and the tradition that they dwelt together with several races in Crete, must in all probability, as in the case of the Dorians named along with them, refer only to a colony[76].

[73] Schol. Apollon. I. 987. Compare I. 948. Conon 41. [74] I. 57.

[75] That Corythus or the city of Corythus must mean Cortona, is admitted: the passages proving it are collected in Forcellini, and the one from Silius is decisive. Only it must not be overlooked that Virgil, according to the manner of the later school of poetry, reserves to himself the liberty of using the name somewhat indefinitely in a greater latitude. The mythologers speak of a Corythus, a Trojan, the son of Paris: Hellanicus in Parthenius. 34.

[76] See the well-known passage of the Odyssee, τ. 175—7 quoted for this purpose by Strabo v. p. 221. a.

Now in the first place I remind the reader of the Pelasgians who were serfs of the Italian Greeks, and that they must needs have been Oenotrians: so that the whole Oenotrian population of Southern Italy must be admitted to be Pelasgian. In the next place it is further testified by a crowd of authorities that the Pelasgians were settled on the coast of Etruria: besides we are even assured by Herodotus that so late as his times a city in the heart of the country was occupied by the same people, a race wholly distinct from the Etrurians; and Dionysius is certainly right in supposing this city to be Cortona, that is, the Croton which, according to Hellanicus, was taken possession of by the Pelasgians, and from which they made their expeditions for the conquest of Tuscany[77]. Cære too,

[77] Hellanicus in his Phoronis, quoted by Dionysius I. 28. Did our editions of Herodotus read Croton, as it is quoted by Dionysius, not Creston, no one would fail to perceive that the two contemporaneous historians are speaking of the same city. Hellanicus derived these Pelasgians from Thessaly: this is clear from the alleged descent of their kings from Pelasgus and a daughter of Peneus: compare Dionysius I. 17. Herodotus says that they formerly dwelt in Thessaliotis. Every thing is against the suspicion that Dionysius may have corrupted the reading. It seems not to have been heeded, that there is a great chasm here in that family of the Herodotean Manuscripts which is incomparably the best (see Wesseling's Herodotus, p. 28. a.): the want of a various reading in the manuscripts of the bad sort proves nothing: they always concur in favour of what is absurd. Moreover, though there certainly were Crestonæans in Thrace far inland between the Axius and the Strymon, there was no city of Creston there: and these were Thracians, while the Tyrrhenians on mount Athos, beyond whom they dwelt, were Pelasgians: in this passage on the contrary the people of Creston are Pelasgians, and the Tyrrhenians to the south of them are a totally different race. On an unbiassed consideration one cannot fail to perceive that Herodotus adopted the account of Hellanicus about the Pelasgians passing out of Thessaly across the Hadriatic to Spina and Cortona, and assumed the subsequent emigration to Athens of those who were overcome by the Etrurians, as he himself relates their further wanderings to Lemnos and along the Hellespont. The identity of language between the Pelasgians on the Hellespont and those left behind in Etruria was completely sufficient to prove this. Those of Cortona were the most westerly, those on the Hellespont the most easterly, of all the remaining Pelasgians; and this was a reason for naming these and no others (ὅσα ἄλλα Πελασγικὰ ἔοντα πολίσματα τὸ οὔνομα μετέβαλε). It has been thought incredible that the language of small places so far apart should be compared by Herodotus. This difficulty appears to me of no weight: a writer who quotes Egyptian, Scythian, and Persian words, was no more deficient in attention to languages, than we are: this passage plainly shews that he was anxious to discover

under the name of Agylla, before it fell into the hands of the Etrurians, is uniformly represented as a Pelasgian city: and as the Etrurian conquests left the far greater part of the old population remaining, this accounts for the connexion between that city, which with the Greeks kept its ancient name, and the Delphic oracle *, more fully than the supposition that the fame of the oracle had penetrated even among the barbarians. The names of Alsium and Pyrgi, the maritime dependencies of Agylla, bear the marks of a people more than half Greek. I have already observed that the Agyllæans are termed Thessalians †: the historian who pronounced Tarquinii a city of Thessalian origin [78], thereby designated it as Pelasgian. On the upper sea the same remark holds of Ravenna, when it is called a Thessalian settlement [79]; which would be at variance with all history, were it to be understood in the same sense in which Syracuse or Corcyra were colonies of Corinth; for the Thessalians scarcely touched the sea-coast: and if colonies had gone out from Pagasæ, still they would not have sailed round Malea, and explored the inmost recesses of the Adriatic. The writer who uses that expression, follows Hellanicus, who derived all the Pelasgians between Spina and Agylla out of Thessaly; as Pherecydes did those of Southern Italy from Arcadia. Spina, which as well as Agylla had its treasury at Delphi [80], a city so ancient that its foundation is ascribed to Diomedes [81], the predecessor of Venice in the dominion over the Adriatic, is termed a Pelasgian city by Dionysius [82]; a statement which ought not to lose its credit, from its being connected with the migration dreamt of by Hellanicus. But it is a far worse errour of the later period, which

what relation the dialects of the East and West bore to each other: the Hellespont he had visited; and natives of Cortona might easily be found at Thurii.

* Herodot. I. 167. Strabo v. p. 220. c. † See note 62.

78 Justin xx. 1.

79 Strabo v. p. 214. b. λεγεται ἡ 'Ρ. Θετταλῶν κτίσμα.

80 Strabo v. p. 214. a. Pliny III. 20. 81 Pliny III. 20.

82 Dionysius I. 18.

confounded the Pelasgians with the Greeks, to call it a Hellenic city[83]: this is always erroneous in the case of towns in remote countries, the foundation of which is dated earlier than the return of the Heraclids.

It is a singular circumstance that the Roman poets very frequently call the Greeks Pelasgians: which, as we are all familiar with the expression from the days of our youth and of the Æneid, has operated more than any thing else to confirm the fancy that the Greeks and the Pelasgians are the same people. I will not determine what degree of influence may here be assigned to a misconception of the language used by the tragic poets, who in fact did not go beyond what was said in the most ancient traditions about Pelasgians at Argos and in Thessaly: the epic usage, even of the Alexandrian poets, no way justifies the Roman. Yet the latter begins as early as with Ennius[84]; which leads me to conjecture that, when the Epirots, Oenotrians, and Sicelians had been blended and become one people with the Greeks, it grew the custom in Italy to comprehend the Greeks along with the others under the name of Pelasgians.

Scymnus, who, late as he lived, is the representative of Timæus and other ancient writers, says, after Ligystica, beginning therefore from the Arno, came the settlements of the Pelasgians[85]. The Greeks who are said to have founded Pisa, those Teutons[86], who spoke Greek and dwelt there before the Etrurians, must needs be taken for Pelasgians; and so must the Tyrrhenian Tarchon, who is named as the founder of Pisa.

Tyrrhenia, we are told by Dionysius, was a name anciently applied by the Greeks to the whole of western Italy; they called the Latins, Umbrians, Ausonians, and many other tribes, by the common appellation

[83] Strabo v. p. 221. a. [84] Cum veter occubuit Priamus sub Marte Pelasgo.

[85] Scymnus v. 216. and foll.

[86] It seems impossible that this should be the right name: Servius on Æneid. x. 179.

of Tyrrhenians[87]. But they gave this name more peculiarly to the Etruscans, with whom their colonies in Sicily and Italy were continually forming relations of war and peace, and whose fame stood high even in Greece on account of their power, art, and wealth: and it is probable that even before the Macedonian age there may not have been a single Greek who retained a suspicion, that the Tyrrhenian name had only been communicated to the Etruscans in consequence of their having taken possession of Tyrrhenia and become masters of those Tyrrhenians who had not left their homes; or that the traditions handed down from ancient times about the Tyrrhenians in no way concerned the Etruscans. Thus it is imagined by very many to this day that the Sclavonic Dalmatians, being called Illyrians, are descended from the ancient Illyrians of those regions, and consequently that the latter were a Sclavonic people; an errour, which, where it has once taken hold, it is useless to impugn with the circumstantial evidence afforded by the early history of nations.

From this confusion there arose two opinions, alike untenable and groundless, on the origin of the Etruscans, both of which Dionysius with sound judgement contends against. According to the one, which Herodotus allowed to circulate such as he had heard it among the Ionians, the Etruscans were a Lydian race, led to Italy by Tyrrhenus, the son of Atys: according to the other they were Pelasgians: and this last has struck so deep root; it so well sorts with an uncritical and ungrammatical treatment of the Etruscan language, that it will scarcely ever be entirely extirpated; unless the most brilliant discovery of our days, the explanation of the hieroglyphics, should be followed by, what there is much less room to hope for, that of the Etruscan language.

The illusion, which led the ancients themselves into

[87] Dionysius I. 25. 29. In conformity to this mode of speaking, Sophocles in the passage above referred to (note 16) called this coast Tyrrhenian: and the sea retained the name.

errour, is of no ordinary kind. It was evidently the custom at the beginning of the Peloponnesian war, to call the Pelasgians who had dwelt in Lemnos and Imbrus, Tyrrhenians and Tyrrhenian Pelasgians: Thucydides does so, without the remotest intention of displaying learning. Now Sophocles in the Inachus also called the Argives Tyrrhenian Pelasgians[88]: this was combined with the account of Hellanicus[89], that Pelasgians driven out of Thessaly[90] by the Hellens, had crossed the Adriatic and landed at the river of Spina (the mouth of the Po), and thence had spread into Tyrrhenia and settled there. To this account and the conclusions drawn from it, Dionysius in a spirit of intelligent criticism opposes the fact, that the Etruscans had not the remotest resemblance in language and laws to Greeks or Pelasgians, any more than to Lydians, and that their own traditions described them as a primitive race: it is to be regretted that he did not go a step further, and avail himself of the information he possessed, to explain the mistake.

Now, as we know from Dionysius himself, Myrsilus of Lesbos related, that Tyrrhenians, flying from public calamities with which they were chastised by heaven, because among other tithes they had not offered that of their children[91], had quitted their home, and had long roamed about before they again acquired a fixed abode; that as they were seen thus going forth and returning, the name of Pelargi, or storks, was given to them; that they had dwelt for a time in Attica, and had built the Pelasgian wall round the Acropolis[92]. This account, as Dionysius himself remarks, is directly the reverse of that in Hellanicus: one thing could not strike the Greek, which we observe on contemplating an infinitely greater number of traditions; that this inversion of a story into its opposite is a characteristic of legendary history. The etymology which Myrsilus invented or repeated, sounds

[88] Dionysius I. 25. [89] Dionysius I. 28. [90] Dionysius I. 17.
[91] Dionysius I. 23. [92] Dionysius I. 28.

childish; yet it is easy to comprehend the train of thought which led to it: that these Pelasgians, who came into Greece out of a remote foreign land, must have been totally different from the primitive Greek race, and that the identity of the name could not be accounted for by too fortuitous a circumstance[93].

After the Dorian migration[94], there had appeared a wandering people, the Pelasgians; who, on condition of rendering manual services to the city of Athens, obtained settlements at the foot of Hymettus[95]. They came last out of Bœotia, whence formerly in conjunction with the Thracians they had expelled the Cadmeans, who had now returned from Arne[96]: but their first appearance had been in Acarnania; and Pausanias had been able to learn nothing more of their extraction, than that they were Siceli[97]. That is, they came from the south of Etruria, where their king Maleotes had resided not far from Graviscæ[98]: and beyond a doubt they called themselves Tyrrhenians[99]. This name remained with their descendants, who dwelt a long time in Lemnos and Imbrus, whence they had driven out the Minyæ; afterward, when compelled by the Athenians to a new emigration, they directed their course, some to the Hellespont[100], some to the coast of Thrace and the peninsula of mount Athos. Hence Thucydides says: Athos also is inhabited by a Pelasgic race, the Tyrrhenians, who were formerly settled in Attica

[93] The same interpretation of the name occurred also in the Atthides: Strabo v. p. 221. d. Others explained it of white linen clothes: Etymol. M. v. Πελαργικόν; but constantly with reference to these Tyrrhenians: the name of the primitive Greek Pelasgians is always derived from the ancestor of the race.

[94] Velleius I. 3. Strabo IX. p. 401. d.

[95] Herodotus VI. 137. Pausanias Attic. c. 28. p. 26. d.

[96] Strabo IX. p. 401. d. [97] Pausanias ibid. [98] Strabo v. p. 225. d.

[99] Callimachus quoted by the Schol. on Aristoph. Av. v. 832. Τυρσηνῶν τείχισμα Πελασγικόν. Other passages are cited in Cluverius, Italia Antiqua p. 428, 429. The confusion of traditions is illustrated by Polyænus VII. 49.: he confounds the Minyæ who were expelled from Lemnos by the Tyrrhenians, with the latter.

[100] Herodotus I. 57.

and Lemnos[101]. These alone were known at that time in Greece as Pelasgians, while the Pelasgic extraction of all other less remote tribes, such as the Epirots, was forgotten: but as they were no less generally called Tyrrhenians, it cannot raise surprise that Sophocles, from whom none will expect historical precision, applied both names jointly, as belonging to the whole nation, to the primitive Pelasgians of Apia. It is just such a mistake as if one should call the Gauls of Brennus and Acichorius Irish Gaels.

The tradition which Aristoxenus followed, termed Pythagoras a Tyrrhenian from one of the islands out of which the Tyrrhenians had been driven by the Athenians[2], that is, from Lemnos or Imbrus. These Tyrrhenians of the Ægean sea however extended much further: the pirates in the Bacchic fable are not Etruscans, neither are they Lemnians, but Meonians or Lydians[3]: and the Pelasgic character of the Meonians is proved by their strong hold Larissa, which we find among them, as in all countries inhabited by the Pelasgians[4]. And now the strange story of the Lydian colony is explained. Before the Pelasgian and Tuscan Tyrrhenians were confounded, one among the forms of those traditions, in which one pole is continually changing into its opposite, derived the Tyrrhenians on the Tiber from those in Meonia, as another did from Lemnos and Imbrus[5]; whereas the converse, as I have stated it above, was commonly adopted. Finally there is an account which jumbles every thing together; making the Pelasgians emigrate from Thessaly to Lydia, thence to Tyrrhenia; and again out of

[101] IV. 109.

[2] Diogenes Laertius VIII. Pyth. p. 567. b. Steph.

[3] Acœtes is Tyrrhena gente, Ovid Metam. III. 576.: patria Mæonia est, 583: the Tusca urbs of Lycabas, 624, is likewise unquestionably to be understood of a Lydian city.

[4] Strabo XIII. p. 620. d.

[5] Such was the account of Anticlides; nay he combined an emigration from Lydia under Tyrrhenus with one from Lemnos: Strabo V. p. 221. d.

Tyrrhenia[106], namely to Athens and subsequently to Lemnos.

To the Pelasgian Tyrrhenians, not to the Etruscans, we must apply the lines of Hesiod: that Agrius and Latinus ruled over all the renowned Tyrrhenians[7]: and if we keep this distinction steadily in view, an entirely new light is shed over the history of the countries on the coast of the Tyrrhenian sea: for from the Tiber to the confines of Oenotria we discover settlements of the Tyrrhenian nation, not of the Etruscans.

A history of the origin of Florence[8], compiled, perhaps even before the time of Charlemagne, from marvellous popular legends and poetical sources, calls the subjects of Turnus, the Ardeates, Turini; that is Tyrrheni; and this name seems likewise to present itself in that of the shepherd Tyrrhus. Now if Ardea is admitted to be a Tyrrhenian city, the legend which represents Saguntum as a colony of the Ardeates[9], extends the diffusion of the Pelasgians as far as Spain: where the ancient capital Tarraco also, perhaps indeed only from its name, yet it may be not erroneously, has been considered as Tyrrhenian[10].

Further down the coast, toward and near the Liris, stood several cities, such as Amynclæ, Hormiæ, Sinuessa[11];

106 Plutarch Romul.

7 Hesiod Theogon. v. 1011—15. But what are the sacred islands in this passage?

8 It is preserved in manuscript in Latin, and is inserted, in Italian, into the chronicle which bears the name of Malespini, where the Turini occur, c. 9. Among the most inexplicable points is the evident reference of Fæsulæ to the fragment of Hesiod LX. In the *gens Mamilia* there was the cognomen of Turinus and that of Vitulus: which are certainly Tyrrhenus and Italus. The princely race of Tusculum therefore was Tyrrhenian: and I will here only intimate briefly that the name of Tusci is the same with Turini, and is given to the Etruscans no less improperly than Tyrrheni.

9 Livy XXI. 7. Thus much seems certain, that the Saguntines were not Iberians.

10 Anton. Augustinus De numis dial. 7. p. 94. b.

11 Sinope has clearly no authority compared with Σινόεσσα. Amyclæ may have been identical with Amynclæ, (Salmasius ad Solin. p. 60. b.); and

the names of which, as there is much to render it improbable that their origin was purely Grecian, lead us to infer that they were Pelasgian; and inland there was a Pelasgian Larissa. Of Herculanum and Pompeii Strabo says, that they were founded by Pelasgians and Tyrrhenians[112]; of Marcina, not far from Salernum, that it was a Tyrrhenian city, which had been occupied by the Samnites[13]. The Tyrrhenians mentioned in these passages have always been considered as Etruscans: but that they were Siculian Pelasgians is also indicated by the temple of the Argive Juno in the neighbourhood of Salernum, a sanctuary so ancient that it was referred to Jason[14]. Here is evidence of Pelasgic, not Etruscan, religion; as at Falerii likewise the worship of the same Juno subsisted under the sovranty of the Æquian population from the time of the Siculi, as the Romans called the Tyrrhenians[15].

Capreæ, it is said, was inhabited by Teleboans[16], who are classed by the genealogy among the Lycaonidæ and Pelasgians[17]; and the Sarrastians of Nuceria were called by Conon Pelasgians from Peloponnesus and other parts[18]: This derivation implies no more than every other which aims at accounting for the presence of that nation in parts so remote from Greece.

We thus discover a series of Tyrrhenian settlements along the whole coast of the sea which bore that name, from Pisa to the confines of the Oenotrians, whose Pelasgic origin requires no further proof. To shew that the

the object of designating a similar site at the foot of Taygetus and of Massicus, may have led to the same name. But this has had a remarkable influence on the notions entertained as to the settlements on this coast. It was thought that Amyclæ must have been founded by Lacedemonians; hence their pretended colony near Anxur; and, when Sabines and Pelasgians were once confounded, the assertion that the former were Lacedemonians.

112 Strabo v. p. 247. a.

13 Strabo v. p. 251. b.

14 Pliny H. N. III. 9.

15 Dionysius I. 21.

16 Virgil Æn. VII. 735.

17 See p. 26 above.

18 Servius ad Æn. VII. 738.

Oenotrians and the Pelasgian Tyrrhenians were more than kindred races, that they belonged to one tribe, is the next problem.

Pausanias had ascertained that these Tyrrhenians of the Tiber were Siceli[119]: would that Dionysius had possessed this clew, to extricate him from the labyrinth! He found in Greek writers mention of the Pelasgians; in Roman of the Siculi who had inhabited Tibur and Falerii and a great number of small towns about Rome; and having once persuaded himself that the Aborigines must have been Oenotrians, he pieced together the most heterogeneous statements, the accounts of Roman chronicles and those of Hellanicus and Myrsilus, so as to make the Siceli barbarians, and enemies of the Pelasgians and Aborigines: whereas he ought to have recognized in them and the Pelasgians the same people, which the Aborigines either expelled from its home or subdued.

This is that emigration of the Siceli, which carried a part of them away as Tyrrhenians to the eastern side of Greece, if that expedition ever took place: it is the same which occasioned their passage into the island; this is the flight of Sicelus from Rome to the Italian king Morges[20]. The date of this event I shall not dream of fixing chronologically: it is immaterial to us, that Philistus has placed it eighty years before the Trojan war, and Thucydides, probably on the authority of Antiochus, two centuries later[21]: I shall return in another place to this earliest authenticated event in Italian story. But it belongs to the present discussion to notice that, according to manifold analogy, Sikelus and Italus are the same name[22]: when the Locrians settled by mount Zephyrium in the original Italy, they found Siceli

[119] See above note 97. [20] Dionysius I. 73.

[21] That is, 300 years before the first Greek settlement in the island. VI. 2. The statement of Philistus is in Dionysius I. 22.

[22] As Σελλος and Ελλην (Aristot. Meteorol. I. 14. p. 33. Sylb.) would be Vitalus and Sitalus: T and K are interchanged as in Latinus and Lakinius.

there[123]: Thucydides calls the Italietes of Antiochus Siceli, Italus king of the Siceli: Siceli were settled in the southern extremity of Calabria so late as the Peloponnesian war[24]: Morges, who according to the account of Antiochus was king of the Oenotrians, is termed in a legend evidently of very great antiquity King of Sicilia[25]; and to make it clear that this denomination extended over the widest range of the Oenotrian Italy, Siris is represented as his daughter. It must have been from Roman writers that Servius[26] took the statement, which, in direct opposition to the tradition of Sicily and southern Italy, makes Italus king of the Siculi lead that people out of the island to Latium: an inversion in traditional narrative which I may henceforth deem it superfluous to notice particularly.

For the existence of Pelasgian tribes on the coast, it is natural that there should be evidence of Greeks in abundance; the interior of the peninsula was remote from them and more difficult of access, and their poets and genealogists seldom had occasion to mention those regions. Yet as the existence of a people kindred to the Greeks has been confirmed by the names of places on the coast of the lower sea about the Liris, so like traces in the interior lead us to the conviction, that the country between the two seas was also inhabited by the same nation, until it was overpowered or expelled by the foreign tribes of the Opicans and Sabellians. Such traces are furnished by the names Acherontia, Telesia, Maleventum, Grumentum[27].

123 Polyb. XII. 5.

24 Thucyd. VI. 2. where the bad text of Duker had Ἀρκάδων.

25 Etymolog. M. v. Σίρις: probably according to Timæus: Athenæus XII. p. 523. e.

26 Ad Æn. I. 2. 533.

27 In the south of Italy and Sicily it is usual for Greek names of the third declension in ας and ους of the masculine gender, to be converted in Latin into neuters of the second declension in *entum*, formed from the genitive. This is mentioned as a form in the Ætolian dialect, only that in the latter the termination is εντος, and therefore masculine (Salmas. ad Solin. p. 46. b. E.) and it is

We must suppose that Hellanicus knew of no other Pelasgians on the Adriatic than those of Spina, or he surely would not have led them into Tuscany by so circuitous a road. But accounts inferior in authority to none shew us Pelasgians along the whole coast from the Po to the Aternus. With respect to Picenum the tradition was, that the country, before it was occupied by the Sabellian Colony, was in the possession of the Pelasgians[128]; and Pliny informs us, we may be tolerably sure from Cato, that, before the Umbrians, Siculi, in whom we shall not fail to recognize Pelasgians, were masters of the coast on which in the fifth century U. C. the Senones settled; where Ravenna, which is called a Thessalian city, stood; and that they likewise possessed the districts of Prætutium, Palma, and Adria[29]. It is therefore most probably this Hadria, and not the very late colony of the Syracusan tyrant, that Trogus classed among the towns in Italy of Greek extraction[30]. In the neighbourhood stood Cypra, according to Strabo a Tyrrhenian city[31]; which is also to be understood not of Etruscans, but of ancient Tyrrhenians. On the coast of the Gallic Picenum was Pisaurum, the Greek coins of which do not permit us to take its inhabitants for Umbrians or Sabellians: they may have maintained themselves as Tyrrhenians and Siculi.

The same Roman writers say, that together with the Siculi Liburnians inhabited the coast of Picenum, and that a Liburnian city called Truentum continued in

analogous to the change of the nominative in modern Greek. So Acragas, Taras, Pyxus, become Agrigentum, Tarentum, Buxentum, and so on. Salmasius saw that Maleventum or Maloentum, in the heart of what was afterward Samnium, would in pure Greek have been Maloeis or Malus: but I also believe I am not mistaken when in Grumentum, situate on the highest part of the cold Lucanian hills, I recognize Κρυμόεις.

[128] Ante, ut fama docet, tellus possessa Pelasgis: Silius VIII. 445.

[29] Pliny H. N. III. 19.

[30] Justin XX. 1.

[31] Strabo V. p. 241. b.

existence amid all the changes of the population[132]: not however assuredly retaining a distinct character down to the time of Pliny; this can only have been visible to Cato, whom the former did but copy inconsiderately. So that it looks as if both sides of the Adriatic had been inhabited by Illyrians: and this is by no means surprising; whether we suppose them to have spread across the gulph from one coast to the opposite, or to have been so settled from a much earlier time. But the extremely accurate and trustworthy Scylax distinguishes the Liburnians on the eastern coast positively and expressly from the Illyrians[33], as a totally different race: and the name Truentum has the Pelasgic form to which I have before drawn the reader's attention[34]. At the time when the historical accounts of these coasts begin, the Liburnians were very extensively diffused. They were settled in Corcyra, before the Greeks took possession of it[35], as well as in Issa and the neighbouring islands[36]: and thus they connect the Pelasgians of Epirus with those on the Italian coast of the upper sea; themselves—I venture the conjecture—a Pelasgian race. In fact migrations not inferior in power or in the multitudes that took part in them, to those which form the later revolutions in the destiny of nations, changed the face of Europe long before our history happens to begin; and such a movement of countless hosts, one, whereof, but for a merely incidental mention containing no indication of the time, not the slightest recollection would have remained, is the expedition of the Illyrian Encheleans, who seem to have penetrated quite into Greece, and even to have sacked

[132] Plin. H. N. III. 18, 19.

[33] Peripl. p. 7. Μετὰ δὲ Λιβυρνοὺς εἰσὶν Ἰλλύριοι ἔθνος, καὶ παροικοῦσιν οἱ Ἰλλύριοι παρὰ θάλατταν μέχρι Χαονίας τῆς κατὰ Κέρκυραν.

[34] Above n. 127. [35] Strabo VI. p. 260. d.

[36] Schol. Apollon. ad IV. 564. of their extension toward the North we shall speak lower down.

Delphi[137]. I conceive this to have been an emigration of the whole Illyrian people out of remote northern countries; and I believe that the earlier Pelasgian population, which was overpowered by them in Dalmatia, was not quite exterminated. We read of Pelagones, that is, of an Epirot race, on this coast*, as on the confines of Macedonia and Thessaly: and when it is related of the Hylli that they were Greeks who had been transformed into barbarians†, the correct presumption is that we have here Pelasgians, not the remote Hellens, who did not become powerful and numerous till late.

Were the Teucrian origin of the Pæonians[38] somewhat more positively attested, we might with better confidence annex this great nation also to the race, the vast extent of which the present investigation is tracing. It is worthy of remark in this point of view, with what facility the Pannonians must have acquired the Latin language; since under Augustus, a very short time after they had become subject to Rome, the use of it was generally diffused among them[39]: in the same manner the Walachian dialect arose in Pæonia and upper Macedonia, and in the territory of the Epirot tribes bordering on Thessaly, while the Illyrians retained the Schypian tongue.

I hasten to conclude my statement of these researches, which the further they extend the Pelasgians may, I am conscious, very possibly raise the more scruples in the reader: I take leave to reserve notices concerning Iapygia of a similar kind with those hitherto produced, until I collect the accounts left of that country: where Pherecydes derived the Peucetians, no less than the Oenotrians in the south-west, from Pelasgus; and where what is related of Illyrian immigrations, is perhaps to be

137 Herodot. IX. 43.

* Strabo VII. p. 326. c.

† Scymnus vv. 407—410.

38 Herodot. V. 13.

39 Velleius II. 110. In omnibus Pannoniis non disciplinæ tantummodo sed linguæ quoque notitia Romanæ.

referred to Liburnian inhabitants. I am standing at the goal, whence a survey may be taken of the circle in which I have found and shewn Pelasgian tribes, not as vagrant gypsies, but as firmly settled, powerful, respectable nations, in a period for the greater part anterior to our Grecian history. It is not as a hypothesis, but with full historical conviction, that I say, there was a time when the Pelasgians, then perhaps the most widely spread people in Europe, dwelt from the Po and the Arno to the Rhyndacus; only the continuous line of their possessions was broken in Thrace, so that the northern islands of the Ægean kept up the chain between the Tyrrhenians of Asia and the Pelasgian Argos.

But when the genealogists and Hellanicus wrote, all that remained of this immense race were solitary, detached, widely scattered relics; such as those of the Celtic tribes in Spain; like mountain-peaks towering as islands where floods have turned the lowlands into a sea. Like those Celts, they were conceived to be, not fragments of a great people, but settlements formed by colonization or emigration, after the manner of the Grecian which lay equally scattered. When this was once assumed as necessary,—and so soon as the vast original magnitude and extent of the nation were lost sight of, this supposition naturally suggested itself—it seemed to be at least a hypothesis grounded on all the circumstances and consistent with all the relations of the case, that the Tyrrhenians at Cortona had come from Spina at the mouth of the Po: yet the account of Hellanicus does not for this contain anything historical; any more than those which describe the pretended expeditions of Odin and the Asæ from the Tanais into Scandinavia.

Pherecydes had not the same grounds, which justified Hellanicus in the case of the insulated Pelasgians at Spina and Cortona, for assuming an emigration from Hellas in the case of the Oenotrians and Peucetians, to whom he should also have added the Siceli of the island. The

latter conclusion was dictated by the fallacy, which is still so general, that tribes of a common stock must have sprung genealogically by ever-widening ramifications from a single root. This fallacy escaped detection among the ancients, perhaps because they admitted many races of men originally different. They who do not recognize such a plurality, but ascend to a single pair of ancestors, betray that they have no idea of languages and their modifications, unless they cling to the miracle of a confusion of tongues; a miracle which may suffice with respect to such races as present no striking physical difference. But if we acknowledge that the origin of things in all cases lies beyond the sphere of our notions, which comprehend only developement and progress, if we confine ourselves to going back step by step in the range of history, we shall frequently find tribes of one race, that is, identified by peculiarities of character and language, on opposite coasts; as for instance the Pelasgians in Greece, Epirus, and the south of Italy: without any necessity for assuming one of these separate regions to have been the original home whence a part emigrated to the other. In like manner we find Iberians on the islands of the Mediterranean; Celts in Gaul and Britain. This is analogous to the geography of the animal and vegetable kingdoms; the great circles of which are separated by mountains, and inclose narrow seas[140].

Besides nations which are distinguished in their language and species only by stronger or fainter shades, there are others which differ so widely one from another, that to explain the affinity which notwithstanding they indis-

[140] The author of a remark by which prejudices are irritated, must guard it against misconstructions. I am far from meaning to assert that those extensive seats of the Pelasgians were their original country from the beginning of the human race: however high we may rise toward that epoch, still the annals of the Egyptians and Babylonians would fill up but a small part of the inscrutable period during which nations must have been in no less active collision than in after times. I only protest against the application of an utterly ungrounded supposition.

putably exhibit, it would be necessary, according to the ordinary view, to suppose either that they have been intermixed; or, if their languages bear the stamp of a natural developement, that they have diverged from the common character in opposite directions, causelessly and capriciously; a supposition which is contrary to all experience. Thus the affinity of the Persian language with the Sclavonic in structure and etymology, and in some points with the German, is striking: the same relation exists between the Sclavonic and Lithuanian, perhaps also between the Gaelic and Welsh: and so likewise there is an evident fundamental affinity between the Latin and the Greek language, not a mere intermixture which only gives and alters certain words: but at the same time we may perceive a diversity no less decided, even in that element of the former in which, before the languages of totally different races were blended with it, the affinity subsisted pure. This however is not more surprising than the conformities and diversities perceivable throughout nature, which characterize species, and among them many that pass for accidental varieties, so that they maintain unalterably a distinct existence, and are collected into one genus only by abstraction. Such kindred but essentially distinct races were the Greeks and the Pelasgians[141].

The Oenotrians, whom perhaps only the Greeks called by this name, inhabited Bruttium and Lucania: for before the irruption of the Sabellians, the west coast also as far

141 Aristotle (Metereolog. I. 14.) says, the Hellens were called Γραῖκοι at the time when they inhabited the highest mountain land of Epirus; and, as is well known, that name was used by Callimachus and Alexander the Ætolian. The school to which these poets belonged, hunted out every rare word as an ornament of diction: in Latin however the name of Græci did not come from the language of books, but was in use from time immemorial together with Graii; the latter being in early times the prevalent form. It will appear in every instance that in the old Latin two names of nations were in use, one simple and one derivative: such are Graii and Græci. Aristotle's account was derived most probably from Epirot λόγιοι, and the name was Pelasgic; thus it came to the Romans; and we can easily explain how an Ætolian happened to use it.

as Posidonia belonged to Oenotria[142]; on that coast Elea was founded by the Phocians[43]; near it lay Oenotrian islands. Two tribes are distinguished: the Italietes, within the small district of the original Italy; the Chones, to the north without the isthmus, extending to Iapygia. The former are said to have led a pastoral life, until, long before the age of Minos, Italus, a powerful, wise, and heroic man, by persuasion and constraint impelled them to tillage and gave them laws; so that the reformed people named itself and its territory after him. His laws introduced Syssitia or public meals for the men, to which each contributed a prescribed quantity. This custom together with some other laws ascribed to Italus, lasted down to a very late period, as long as any remains of the nation subsisted[44].

The account that the Italietes were split into two hostile tribes, the Siceli and the Morgetes, can only be considered as mythically describing that the former, a people powerful in their island, were descended and had separated from the Oenotrians: previously the name of the Siceli, as I have already remarked[45], was equivalent to that of the Itali; nay it even comprehends the Chones[46], and thus corresponds entirely with that of the Oenotrians.

That the Epirots and Oenotrians belonged to the same nation, is a fact of which the geographical names contain much surer indications than such arguments usually supply. In Aristotle's account of the Oeno-

[142] Dionysius I. 73. Scymnus Chius v. 243—255.

[43] ἐκτήσαντο πόλιν γῆς τῆς Οἰνωτρίας ταύτην ἥτις νῦν Ὑέλη καλέεται. Herodot. I. 167.

[44] Aristot. Polit. VII. 10. p. 198. Sylb. Dionysius I. 35: both from Antiochus. Aristotle's addition, these laws are even now still in force (καὶ νῦν ἔτι), certainly excites surprise: in the fifth century there can scarcely have been any Oenotrians who lived according to their own laws.

[45] See above p. 38.

[46] In an ancient mythus, which calls Siris the daughter of Morges, and her husband Scindus: Etymol. M. v. Σίρις.

trians, the reading, before Victorius altered it, was not Chones, but Chaones[147]: and however he may have spelt the name of that extinct race, it is certainly the same on both coasts of the Ionian sea, just as the Molossian king Alexander found to his ruin, that there was a Pandosia and a river Acheron in Oenotria as well as in Thesprotia.

This Pandosia had been the seat of the Oenotrian kings[48]: Chone, in the territory of Crotona[49], shews that at all events the whole of Oenotria without the isthmus belonged to the land of Chonia or Chone[50]. But Chones were also found in the territory of Siris and in the city of Poliseum, by the Ionians of Colophon, when they were flying from the Lydians; and these fugitives, grown wild perhaps from their own misfortunes, inhumanly slaughtered them[51]. The taking of Colophon may be dated at about the 25th Olympiad, the year of Rome 75[52]: after this comes the origin of the Ionian Siris. The dominion of its rich plains was for many years the subject of a feud between Tarentum and Sybaris; who at the highth of their greatness never laid aside the hereditary hatred between Dorians and Achæans. To exclude Tarentum from the Siritis, the Sybarites caused the founding of Metapontum. As to the date of this we have unfortunately no information; it is therefore only

147 It is to be ascribed only to the learning of Demetrius Chalcocondylas, that his manuscript anticipates this emendation. In Strabo also XIV. p. 654. d. Chaonia is written instead of Chone or Chonia.

48 Strabo VI. p. 256. b.

49 Strabo VI. p. 254. b.

50 Casaubon on Strabo, p. 255.

51 Strabo VI. p. 264. b. compared with Athenæus XII. p. 523. c. (where ἐκβληθέντες should be inserted after Κολοφωνίων) and Aristotle VII. 10.

52 Under Gyges: who according to Herodotus, supposing the fall of Sardes to be chronologically determinate, reigned from Ol. 15. 3 to 25. 1: according to Eusebius from Ol. 20. 2 to 29. 1. The latter supposition seems to rest on the authority of Apollodorus; as is especially probable, since Eusebius under the last mentioned Olympiad names Archilochus, the contemporary of Gyges, whom Nepos, the follower of Apollodorus, made to flourish in the reign of Tullus Hostilius. (See Gellius XVII. 21.) The praise bestowed by Archilochus on the Siritis (in Athenæus XII. p. 523. d.) was occasioned by the success of the settlement at a distance from the barbarian conquerors.

by conjecture, though without danger of going very far wrong, that we can place the wars of the Metapontians against Tarentum and the Oenotrians of the interior[153], which were terminated by a cession of territory on the part of the former, about the middle of the second century U. C. So that at that time there were still free Oenotrians. But subsequently far the greatest part of the country afterward called Lucania must have been subject to the Sybarites. For although the number of three hundred thousand citizens, and the like number of the army which marched against the Crotoniats, sound quite fabulous; and though the four nations and five and twenty cities which are said to have been subject to them[54], may not rest on unexceptionable authority; still the founding of Posidonia and Laos on the lower sea shews that the dominion of Sybaris extended from coast to coast; and it is evident that these colonies were to protect the borders of its territory. In like manner Croton also founded Terina on the lower sea; as Locri did Hipponium and Medma. It is to this period, under the dominion of all the Italian Greeks, not of the Sybarites alone, that we must look for the general bondage of the Pelasgians[55]; that is, of the Oenotrians who dwelt in the immediate territory of the cities: although in several districts it must certainly have lasted much longer. Many thousands however experienced a happier lot: for very many were admitted to the rights of citizenship[56]; and this is the only way of explaining how at Sybaris and Croton a compass of walls, a very small portion of which would have sufficed for the descendants of the first Achæan settlers, was filled with inhabitants: and the main part of these must have been natives of the country, above all Pelasgians.

153 Πολεμοῦντας πρὸς τοὺς Ταραντίνους καὶ τοὺς ὑπερκειμένους Οἰνωτρούς. Strabo VI. p. 265. a.

54 Strabo VI. p. 263. b.

55 Above, p. 22. and n. 51.

56 Diodor. XII. 9.

It is not known whether the whole of the Sybarite territory fell under the power of Croton, or how long that city, when she had become predominant, maintained her rank, until on the Sagra she expiated arrogance and oppression, like that which she had herself avenged upon Sybaris. Her most flourishing state however seems not to have been of long duration; and when she in her turn fell from her eminence, her subjects may in part have recovered their freedom. But when Antiochus drew the boundary of Italy from the Laos to Metapontum (332), the Oenotrians westward of that line were already subjugated by the Lucanians; not expelled[157]: hence this coast, though no longer accounted part of Italy, is called Oenotria[58]. The time of migrations was past; tributary subjects were more profitable to the conqueror than herds of purchased slaves; and that the main part of the inhabitants in Lucania did not belong to the ruling Sabellian race, is proved by the small number of the Lucanians in the Census at the time of the Cisalpine war[59]. It may be conjectured that even Antiochus had spoken of the Chones as an extinct race, as Aristotle speaks of them[60]: not that they had been extirpated through the inhumanity of the sovran Greek cities on the Western coast of the Tarentine gulph; the cause of their disappearance was that, without even forming dependent townships, they were degraded to a state of villanage and adopted the Greek language and habits[61]; as was done, under circumstances far less oppressive, by their kinsmen the Siceli of the island[62], and by the Epirots; whom Polybius does not distinguish from the Greeks, although he does the wild tribes of the Ætolian mountains.

[157] As Strabo erroneously expresses it: τῶν Σαννιτῶν αὐξηθέντων ἐπὶ πολὺ, καὶ τοὺς Οἰνωτροὺς ἐκβαλόντων. VI. p. 253. b.

[58] Above p. 46. n. 142.

[59] 30000 foot and 3000 horse: Polybius II. 24.

[60] Polit. VII. 10. ἦσαν καὶ Χῶνες Οἰνωτροὶ τὸ γένος.

[61] Pandosia, the ancient residence of the Oenotrian kings, is called in the time of Philip a Greek city: Scylax p. 4.

[62] Diodorus V. 6.

The facility with which they were thus moulded into Greeks, is a characteristic of the Pelasgian tribes, and a main cause of the dissolution and extinction of the nation. It is natural to view it as resulting from the affinity between the two races, which yet were not on that account the less essentially different; and such I believe to have been the case; yet we may observe a magical power exercised by the Greek language and national character over foreign races that came in contact with them, even where no such affinity can be conceived. The inhabitants of Asia Minor hellenized themselves from the time of the Macedonian conquest, almost without any settlements among them of genuine Greeks: Antioch, though the common people spoke a barbarous language, became altogether a Greek city; and the entire transformation of the Syrians was averted only by their Oriental inflexibility. Even the Albanians, who have settled as colonies in modern Greece, have adopted the Romaic by the side of their own language, and in several places have forgotten the latter: it was in this way only that the immortal Suli was Greek; and the noble Hydra itself, the destruction of which we shall perhaps have to deplore before the publication of this volume, is an Albanian settlement.

The growth of so numerous a Greek population in Oenotria, justifies the name Magna Græcia. That the transformation was complete appears from the Bruttians having preserved the Greek language, though the Oscan had also been introduced; and the Romans considered them so much as foreigners, that, in the enumeration of the Italian forces for the Cisalpine war, their men capable of bearing arms are omitted, as well as those of the Grecian cities. Calabria, like Sicily, continued a Grecian land, though Roman colonies were planted on the coasts: the Greek language only began to give way there in the 14th century; and it is not three hundred years since it prevailed at Rossano, and no doubt much more extensively; for our knowledge of the fact as to that little town is merely accidental: indeed even at

this day there is remaining in the district of Locri a population that speaks Greek[163].

At the time of the Peloponnesian war there were Siceli still existing in the original southermost Italy[64]; and they must have formed distinct communities, even though they may have been dependent on more powerful cities; since they still preserved the Syssitia and other hereditary institutions[65]. I refer this to the time of Antiochus: ninety years later, when Aristotle wrote, it seems quite inconceivable. It is true, some twenty years before, the southern half of Lucania, which then extended to Rhegium[66], had separated itself and formed an independent people; and the name of revolted slaves[67], which the insurgents accepted as a term of defiance, justifies us in rejecting the silly tale that they were Lucanian youths rendered savage by hard treatment, and in looking for their origin to the ancient serfs; in supposing, that the remaining Oenotrians, strengthened by the accession of Oscan free-booters, after the Lucanians had broken the power of the Greek cities, had thus recovered their freedom. But this was a new epoch; and the Bruttians arose as a new people, that was little likely to retain any primitive institutions.

When the Roman arms reached these parts, Magna Græcia contained only Lucanians, Bruttians and Greeks: the Oenotrians were known solely to the learned, and in the writings of the Italian Greeks.

163 For the assurance of this fact, which is stated in several books of travels in a questionable manner, I am indebted to the Minister Count Zurlo; whose learning precludes the possibility of his having confounded the natives with the Albanian colonies. I seize this opportunity of interweaving in my description of the nations belonging to the golden age of Italy, the name of a man, in whom the shades of the ancient Samnites would rejoice as a worthy descendant, the last who has survived the intellectual prime of Naples, which after blooming for a century was in 1799 extinguished in blood: may he accept this homage of veneration.

64 Thucydides VI. 2.

65 Aristotle Polit. VII. 10.

66 This extent is ascribed to it by Scylax.

67 Bruttians: Strabo VI. p. 255. b. Diodorus XVI. 15.

THE OPICANS AND AUSONIANS.

THE country between Oenotria and Tyrrhenia was called by the Greeks Opica or Ausonia. Aristotle says: bordering on the Oenotrians, toward Tyrrhenia, dwelt the Opicans; formerly and to this day known by the additional name of Ausonians[168]. He does not confine their country to Campania; for he terms Latium also a district in Opica[69]. Cuma in Opica was distinguished by that addition from the Æolian: Nola was called by Hecatæus an Ausonian city[70]; others will have called it Opican. The south-east boundary must be placed at the Silarus; and the Roman account, that Ausonia was once the name of the country between the Apennines and the lower sea[71], is not to be understood of the more southern coast. The notion that Temesa, far south of the Silarus, whence the Greeks of the Homeric age drew their copper[72], was founded by the Ausonians[73], seems to rest only on a misunderstanding of the expression used by an Alexandrian poet[74].

Before the people who gave the country their name, took possession of the coast, then a part of Tyrrhenia, the name Ausonia or Opicia was applied to their territories in the interior. Samnium was the country of the

168 Polit. VII. 10.

69 Ἐλθεῖν (τῶν Ἀχαιῶν τινας μετὰ τὴν Ἰλίου ἅλωσιν) εἰς τὸν τόπον τοῦτον τῆς Ὀπικῆς ὃς καλεῖται Λάτιον, ἐπὶ τῷ Τυῤῥηνικῷ πελάγει κείμενος. Dionysius I. 72.

70 Stephanus Byz. s. v.

71 Fest. Epit. s. v. Ausoniam.

72 Odyss. α. 184.

73 Strabo VI. p. 255. c.

74 See above, p. 25. n. 46.

Opicans before it was conquered by the Sabellians[175]: and it was preserved in recollection that the land about Cales and Beneventum was the first which was called Ausonia[76].

Aristotle informs us that Opican was the name of the nation, Ausonian the peculiar name for a part of it[77]: in this passage too he unquestionably had Antiochus before him; and this renders it clear in what sense we are to understand the statement quoted from the latter, that the Ausonians and Opicans were the same people[78]. It is a common source of the most perplexing confusion in early history, that sometimes the name of a whole nation, without ceasing to be such, becomes peculiar to a part of it, while sometimes the reverse happens; and thus we can easily explain how Polybius came to speak of Opicans and Ausonians as two different nations that inhabited the coast around the bay of Naples[79]. No one is endowed with every gift; and that excellent historian of the period which lay immediately before his view, as he felt no interest in investigating primitive history, on such subjects is of no authority. Strabo distinguishes the Ausonians and Oscans, the former as the earlier inhabitants of Campania, the latter as having occupied the country after them[80]. A writer, whom he quotes but does not name, carries the erroneous subdivision still further, speaking of Opicans, Ausonians, and Oscans, as having inhabited Campania in succession; then came the Cumæans, after them the Tyrrhenians, and they finally were subdued by the Samnites. Strabo himself evidently knew not what

175 Strabo v. p. 250 b. 76 Festi Epit. s. v. Ausoniam.

77 Ὀπικοὶ τὴν ἐπωνυμίαν Αὔσονες κληθέντες. Polit. VII. 10.

78 Strabo v. p. 242. c. Ἀντίοχος φησὶ τὴν χώραν ταύτην Ὀπικοὺς οἰκῆσαι, τούτους δὲ καὶ Αὔσονας καλεῖσθαι.

79 Strabo proceeding in the passage above cited: Πολύβιος δ' ἐμφαίνει δύο ἔθνη νομίζων ταῦτα. Ὀπικοὺς γάρ φησι καὶ Αὔσονας οἰκεῖν τὴν χώραν ταύτην περὶ τὸν Κρατῆρα.

80 Strabo v. p. 232. d. p. 233. a.

to think of the Oscans[181]. That Opicus, Opscus and Oscus are the same name, is expressly remarked by Roman grammarians[82]: the Greek language adopted only the first form, and the last prevailed in the Latin: a Greek therefore should not have spoken of Oscans, as he did not of Apulians and Etruscans, but of Iapygians and Tyrrhenians. So that Strabo himself must have taken the Opicans and Oscans for different nations; nor can we excuse him by supposing, that he meant to distinguish the Samnite conquerors of Capua and Cuma from the ancient Ausonians, by the Latin form of their name; for it is the Sidicini whom he calls Oscans, considering them as an extinct race[83].

Further difficulties seem now to start up. If the Opicans and Oscans were one people, then the Opicans whose country was conquered by the Samnites, were also Oscans: but the language of the Samnites and of the tribes which issued from them, is also called Oscan[84]. Here I see two solutions. If the Oscans who remained in the country conquered by the Sabellians, were far more numerous than the conquerors, theirs might become the prevailing language, in a pure, or at least in a mixt state; even though they were a race entirely different from the Sabellians in origin and language: thus the descendants of the Lombards very soon adopted the Italian: history speaks for centuries only of the Lombards, though they

[181] Strabo v. p. 242. c. goes on: Ἄλλοι δὲ λέγουσιν, οἰκούντων Ὀπικῶν πρότερον, καὶ Αὐσόνων μετ' ἐκείνους, κατασχεῖν ὕστερον Ὄσκων τι ἔθνος, τούτους δ' ὑπὸ Κυμαίων, ἐκείνους δ' ὑπὸ Τυῤῥηνῶν ἐκπεσεῖν—(τούτους δὲ Καπύης) παραχωρῆσαι Σαυνίταις.

[82] Festus s. v. Oscum. In omnibus fere antiquis commentariis scribitur Opicus pro Osco.

[83] Strabo v. p. 237. c. Ὄσκοι Καμπάνων ἔθνος ἐκλελοιπός. and p. 233. a. τῶν Ὄσκων ἐκλελοιπότων.

[84] Livy x. 20. To spy the movements of the Samnite army men are sent gnari Oscæ linguæ. Proofs that the language of the Campanians was Oscan are superfluous: the Oscan spoken by the Bruttians (Fest. Epit. s. v. bilingues Brutates) can have come only from the Sabellians.

were by far the smaller number; but never of a Lombard language. Perhaps however the Sabellians and Oscans were not more different than the Dorians and Ionians; and in that case it is plain that the Sabellian dialect when spoken by the masters of an Oscan country, might easily lose its peculiarities and become Oscan[185].

The Oscan language was spread over the whole south of Italy, even into Bruttium and Messapia, the country of Ennius, who spoke Oscic and Greek as his mother tongues. It is probable that it was the dialect of the Apulians, and that they were a branch of the Oscan race; for Apulus and Opicus are according to all appearance the same name, only with different terminations. That in *ulus* acquired the meaning of a diminutive only in the language of later times; in earlier such a sense must be entirely separated from it; as is evident from Siculus and Romulus, as well as from the words uniting the two terminations, which is the commoner case, Volsculus, Æquiculus, Saticulus; and even Græculus. When used in this large extent, the terms, Opicans and rude barbarians, were considered by the Greeks as synonymous; so that in the days of Cato they included even the Romans under this name of dishonour; zealous as they were, when seeking favour and protection, to assert the Lacedemonian origin of the Samnites and the Arcadian origin of the Romans.

Now the Oscan language is by no means an inexplicable mystery like the Etruscan: if but a single book in it had been preserved, it might be completely decyphered out of itself. We have nothing but inscriptions, and of these some may be explained word for word, others in part at least, with perfect certainty. We may perceive in it that element of the Latin language which is not Greek, in forms which in Latin have lost syllables and terminations, as happens to languages when

[185] In the Samnite and the Æquian language hirpus signified a wolf.

they intermix and grow old: grammatical forms too and inflexions are common in it, which appear in Latin but rarely and as exceptions. Since we can understand this language, it is not at all surprising that plays written in it were perfectly intelligible to the Romans; there needed only a little use. A review of what can be deduced from the Oscic monuments that remain, will be annexed in a separate dissertation to the second or third volume of this work.

I now return to the Ausonians, whom, on the authority of Antiochus, we must consider as a portion of the Oscan nation. Their name has a sound that seems quite foreign in Italy, which it acquired in the mouth of the Greeks. The Italian form can have been no other than Auruni; for from this Aurunci is manifestly derived[186]; and the opinion of Dio Cassius and Servius is in fact superfluous, to prove that the Ausonians aud Auruncians were one people[87]. The latter inhabited the same district where Livy mentions the last Ausonians, whose city Cales was conquered in 419 U. C.; and three other towns of the same people on the lower Liris were destroyed in 440 in an unprovoked war of extermination. Livy's calling them Ausones in this part of his history and not Aurunci, may be explained: it is almost certain that for that period he had Dionysius before him, and followed him inconsiderately; just as within the same period he has been led to speak of the Messapians, where according to Latin usage he should have named the Sallentines.

Among the cities of the Auruncians we know by name Suessa, which lay in the very heart of the country possessed by the Ausonians. In the far earlier mention made of them soon after the expulsion of the kings, it

[186] Auruncus is Aurunicus; the termination belongs to the number of adjective forms in which the old Latin luxuriated, so as even to form Tuscanicus from Tuscus. The confusion of s and r is constantly recurring in old Latin.

[87] Dio Cassius fr. IV. p. 4. ed. Reim. Servius ad Æneid. VII. v. 727. Festus s. v. Ausoniam calls the mythical Auson the founder of the city Suessa Aurunca: that is to say, the Auruncians were Ausonians.

is evident that the old annals had called the Volscians also Auruncians, and that it was only the later historians who fancied they saw two nations in them[188].

It agrees with this, that Scylax includes the inhabitants of the whole coast from Circeii for a day's journey[89], that is, as far as the Vulturnus, where in history we find Volscians, Ausonians and Auruncians, under the name of the first. For Olsi, as it stands in the Periplus[90], is no errour of the transcriber; it is Volsi dropping the Digamma; hence Volsici was derived, and then contracted into Volsci. The Volscentes or Volcentes, a people otherwise unknown, who make their appearance with the Lucanians[91], are probably the same nation; that is, ancient Opicans who had maintained their independence among the Lucanians: their name remarkably illustrates the almost endless variations of the Italian names[92]. Thus was formed Volusci, which the Greeks adopted to designate the Volsci; and I have no doubt that the Elisyci or Helisyci, mentioned by Herodotus among the tribes from which the Carthaginians levied their army to attack Sicily in the time of Gelon[93], are no other people than the Volsci. Hecatæus indeed called the Helisyci a Ligurian tribe[94]; but this can only be understood in a very vague sense; just as, according to Dionysius, some Greeks accounted the Romans, and Philistus the Siculi, among the Ligurians; for Herodotus names the Helisyci along with the Iberians, Celts and Ligurians.

The language of the Volscians is distinguished from the Oscic[95]; that is, from the dialect so called in the districts

188 The war in which Pometia and Cora having revolted suffered terrible punishment, is related by Livy twice; and what is recorded under the year 251 of the Auruncians, is told under the year 259 of the Volscians.

89 Which he states at 500 stadia, p. 30: unless ψ ought to be written instead of φ.

90 'Ολσοί. Peripl. 3. 91 Livy XXVII. 15.

92 From Volsci comes the name of the country Volscium; thence Volscens: see below n. 269. 93 VII. 165. 94 Stephan. Byz. s. v.

95 By the comic poet Titinius in Festus s. v. Oscum: Osce et Volsce fabulantur, nam Latine nesciunt.

only it applies to a different time. On the contrary Cato's statement, which so much displeases the ingenious but hasty Velleius, that Capua had existed only 260 years before it was taken in the second Punic war, so that its foundation, or rather the establishment of an Etruscan colony in an Oscan or perhaps Pelasgian city, would fall about the year 283 U. C.—this statement is in excellent accordance with what can be collected of the Etruscan history. The greatness of the Etruscans belongs to the third century of Rome: the siege of Cuma by an innumerable army of Etruscans and subject nations, is no more to be rejected on account of the fabulous exaggeration in the numbers, than the expedition of Xerxes; and the prodigy of the rivers flowing backward only proves that the fearful exigency through which the Cumæans were carried by the aid of the Gods, was transmitted in song through the mouths of their children and grandchildren. Even the chronological statement which dates this war in the 64th Olympiad, that is about 230 U. C., may be deemed correct within twenty or thirty years. Now it is expressly said that the Cumæans were at that time in possession of the Campanian plain [208]: the building of Dicæarchia is placed at the end of the same Olympiad, that of Neapolis is still more recent. But all this is at variance with the existence of Capua as a powerful city: so are the colonies of Etruscans said to have peopled the whole of Campania for centuries, with the account in the Cumæan chronicles consulted by Dionysius, that an army of the same nation came against Cuma from the Po and the shores of the Adriatic. Soon after the date which he assigns to that expedition, the Roman annals begin, and they shew the power of Etruria conquering and active; in the wars of Porsenna against Rome and Aricia; in those with Rome after the disaster of the Fabii on the Cremera, about 280 U. C. Just about the same time, Ol. 76, 3, Cuma was delivered by Hiero

208 Dionysius VII. 3.

from the superior power of the Etruscans. At this time, when Porsenna's war had reduced Rome, and the Volscian both Rome and Latium, to extreme weakness, the Etruscans might traverse Latium without hindrance; and till 283 their fleets commanded the sea: that was the season for them to found colonies in Campania. The statement, that in that country also there were twelve Tuscan cities, rests only on Strabo, who delivers it without confidence, and it is extremely doubtful.

Nola is called a Chalcidian city[209]: now since the Tuscans and Greeks were hereditary enemies, if it was Tuscan at the same time with Capua, it can only have been after the Samnites became masters of it, that some Greeks, Neapolitans perhaps, were admitted by them to the freedom of the city. But that opinion of its having been founded by the Etruscans seems questionable; and the admission of the Chalcidians may have been earlier. To what degree Nola had become a Greek city, appears from the workmanship and language of its coins.

The Tuscan dominion in Campania lasted but a very short time, and sank without leaving a trace behind. The forms of the letters indeed might mislead us; but all the written monuments are Oscan; not one among them is Etruscan. It is the same with the works of art.

[209] Justin xx. 1.

The ABORIGINES and LATINS.

It is one of the most credible traditions handed down from the earliest times, that the primitive race of the Latins had dwelt about mount Velino and the lake of Celano as far as Carseoli and toward Reate, and had been driven thence onward by the Sabines who came from Aquila. This was Cato's account[210]; and if Varro, who enumerated the towns they had possessed in those parts[11], was not imposed upon, not only were the sites of those towns distinctly preserved, as well as their names[12], but also other information concerning them, such as writings alone can transmit through so many centuries. Their capital Lista was lost by a surprise; and the exertions of many years to recover it by expeditions from Reate proved fruitless. Withdrawing from that district, they came down the Anio; and, even at Tibur, Antemnæ, Ficulea, Tellena[13], and farther on at Crustumerium and Aricia, they found Siculi, whom they subdued or expelled. That Præneste was also a town of the Siculi, seems to be implied by the statement, that it formerly bore the Greek name of Stephane[14].

This primitive race was called by the Romans Aborigines, a word supposed to signify ancestors[15], but

210 Dionysius II. 49. 11 Dionysius I. 14.

12 The greater part perhaps were not destroyed before the Æquian war about 450. The quadrangular substructions in the district of Tibur, beyond the river, a couple of miles west of that town, which mark the sites of some of the little towns subject to Tibur, give a clear notion of the traces seen by Varro.

13 Dionysius I. 16. 14 Pliny H. N. III. 9.

15 Dionysius I. 10. explains it by γενάρχαι: compare Saufeius in Servius ad Æn. I. 10. quoniam aliis (l. ab illis se) ortos esse recognoscebant. The

which it is surely simpler to interpret, the original inhabitants of the country, answering to the Greek Autochthones. What prevented this being admitted, seems to have been that they were supposed by some, perhaps only because the Umbrians passed for the most ancient people of Italy, to have expelled the latter from the abovementioned territory; while others, partly influenced by the Greek tales about the rovings of the Pelasgians, took them for a conflux of wandering tribes, and derived their name as if it had been Aberrigines.

It might seem as if their name, being an abstract designation, had been assigned to them by later Roman historians; but it is far older than the time when the history of Rome began to grow out of the wrappers of scantly-worded chronicles; for so early as about 470 Callias, the historian of Agathocles, spoke of Latinus king of the Aborigines[216]; and in Lycophron, who certainly obtained his information about Rome only from Timæus and other Greek writers, Cassandra predicts that Æneas will build thirty castles in the regions of the Borigoni[17]. Still it can only have been a later generation that adopted it as a national name: the old and genuine one was Casci[18], which afterwards came to be used as an adjective, as we use Gothic, and the Germans *altfränkisch*. To preserve a uniformity of expression, I shall confine the name of Latins to the nation composed of these Casci and that part of the Siculi which remained in Latium: this formation of a new people is intimated in what is related of the union between the Trojans and Aborigines under Æneas and Latinus.

National migrations seldom alter the entire population of a country, unless the conquerors are exterminating

nominative singular, according to the analogy of the old language, was probably Aboriginus.

[216] Dionysius I. 72. [17] Lycophron v. 1253.

[18] Saufeius in Servius ad Æn. I. 10. qui—Cassei (l. Casci) vocati sunt, quos posteri Aborigines nominaverunt. Compare in Ennius Casci populi Latini, and other passages in Columna ad fragm. Ennii, p. 14. ed. Hess.

savages; in other cases those who love freedom leave their homes; but a part, and commonly the majority, submit to the victor. Such was the case then also: a part united itself with the Casci; another crossed the sea, most of them to Trinacria under the name of Siceli, others to Greece under that of Tyrrhenian Pelasgians: the latter, according to the tradition, came mostly from the right bank of the Tiber. Of the Siculi as Pelasgians I think I have spoken sufficiently; only let me caution the readers of Dionysius, that, for the sake of combining the Latin traditions with the account of Hellanicus, he distinguishes the Pelasgians and Siculi as totally different, nay hostile, nations; while earlier Romans, for instance, Cato and C. Sempronius, seem to have applied the name of Aborigines to the Siculi, and on that account to have framed the hypothesis that the Aborigines came from Achaia, thereby meaning the Peloponnesus[219]. Only in this sense could Cato say, that the greatest part of the Volscian plain had belonged to the Aborigines[20].

The people that forced the Siceli to migrate to the island, were Opicans[21]; and even without this testimony, the evident affinity between the ungrecian element of the Latin language and the Oscic would preclude all doubt as to the Casci belonging to the Oscan race. The Oscic words are contracted and curtailed in Latin, as the Zend words are in Persian; and such must be the case when a difficult and harsh language abounding in words of many syllables is adopted by a nation, the peculiar tongue of which has a different character. Now since the Umbrians during their early greatness reached as far as those most ancient seats of the Casci, we may avail ourselves of the tradition followed by Philistus, that the Siceli had been expelled by Umbrians and Pelasgians[22], notwithstanding the incongruous introduction of the Pelasgians, and may consider it as pronouncing that the Umbrians and Opicans,

[219] Dionysius I. 11. [20] Fragm. Origg. I. Cort. p. 9.

[21] Thucydides VI. 2. Antiochus in Dionysius I. 22. [22] Dionysius I. 22.

whose names come so near each other, were originally the same race. One may conjecture, if driven to it, that by the Pelasgians Philistus meant the Oenotrians, whom Thucydides calls allies of the Opicans against the Sicelians.

The Aborigines are depicted by Sallust and Virgil as savages living in hordes, without manners, without law, without agriculture, on the produce of the chase and on wild fruits. This in the first place does not agree with the traces of their towns in the Apennines; but the whole account was perhaps little else than an ancient speculation on the progress of mankind from brutal rudeness to civilization, like those philosophical histories, as they were called, which were repeated even to surfeiting, during the latter half of the last century, and in which even the state of brute speechlessness was not forgotten. The pages of these observing philosophers swarm with citations from books of travels: but one fact they have overlooked; that not a single instance can be shewn of a really savage people having spontaneously past into civilization, and that where it has been forcibly introduced from without, the physical decay of the race has been the consequence; as among the Natticks, the Guaranis, the missions in New California, and at the Cape. For God has assigned to every race of men its destination, with the character befitting it and the stamp which marks it: and the society, as Aristotle wisely says, is before the individual; the whole before the part: those speculators do not perceive that the savage either has degenerated, or is originally but half human.[b] This account of the Aborigines however may have been a tradition of the serfs, who were forced to till the ground for their masters while they lay on the bear-skin. It cannot be mere chance, that the words for house, field, plough, ploughing, wine, oil, milk, kine, swine, sheep, apple, and others relating to tillage and gentler ways of life, agree in Latin and Greek[225]; while all objects appertaining to war or

[225] Several words might have been added, if their identity had not required a detailed proof: for instance ἵππος and *equus* are the same word.

the chase are designated by words utterly ungrecian. That in the former class the agreement is not entire, was to be expected in languages, which, like the Hellenic and Pelasgic, notwithstanding their complete affinity, are, perhaps for the greater part, essentially different.

The Aborigines are said to have revered Janus and Saturn, the latter of whom taught them husbandry and induced them to choose settled habitations, as the founders of a better way of life. Janus or Dianus, as Scaliger has shewn, is the god of the sun[224]: Saturn and his wife Ops are most probably the god and goddess of the earth, its vivifying and its receptively productive powers; its depths are his kingdom. The interpretation which turns these gods into kings, is more modern.

Between Saturn and the Trojan settlement, the legend counted only three kings of the Aborigines, Picus, Faunus, and Latinus, son after son; who, when removed from the earth, were exalted to the rank of gods, and adored as Indigetes. It is only the later account which makes Latinus fall in the battle with Turnus or Mezentius: according to the genuine legend he disappeared, and was worshipt as Jupiter Latialis[25].

Latinus in a different dialect was called Lavinus; whence the later expounders have formed a brother for him, the founder of Lavinium[26]. But king Lacinius in Oenotria, from whom the promontory and the temple of Juno Lacinia near Croton received their name[27], is also only another phase of Latinus; he is even distinctly called Latinus king of the Itali, and a daughter Laurina is ascribed to him, whom he married to a foreigner named Locrus[28]. What historian however can feel an interest in

[224] As such he may explain Circe, who in Greek mythology is the daughter of the Sun: her fable was no doubt indigenous in the neighbourhood of the mountain named after her, and was not imported thither out of Greece.

[25] Festus v. Oscillum. Compare Schol. Mediol. ad or. pro Planc. 9.

[26] Servius ad Æn. I. 2. [27] Servius ad Æn. III. 552. Diodorus IV. 24.

[28] Conon narr. 3.

tracing the irregular shapes assumed by the clouds of mythology, as they vary at the pleasure of capricious narrators? Who would dwell on such things, when investigations of great importance await him? Still it throws too much light on the notions entertained by the Greeks concerning the nature of the Latin nation, to be passed over in silence, notorious as the circumstance is, that Latinus, whom Hesiod calls ruler of all the renowned Tyrrhenians, that is the Pelasgian[229], is according to him the son of Ulysses and Circe; while another account—in which Telemachus and Penelope fly to Latium with the guiltless murderer Telegonus, to avoid the vengeance of the suitors that threatened them after the death of Ulysses—makes him the son of Circe and Telemachus[30]. A different class of legends gave him Hercules for a father, and a daughter of Faunus[31], or the Hyperborean Palanto, for a mother[32]. Rome itself according to an indistinct conception was placed in the neighbourhood of the Hyperboreans[33]; and the Hyperborean Tarkynæi[34] seem to be no other than the people of Tarquinii. Now if we are not afraid of seeking for the mysterious Hyperboreans in Italy, we have here an explanation how their gifts for Delos came round the Adriatic to the Dodonæans, conveyed from people to people; a practice which arose in that ancient time when nations of the Pelasgic stock inhabited the whole coast of that sea: and the unity of religion clears the conveyance from so great a distance of every thing surprising. For one who does but allow that the people called Hyperboreans might be Italian Pelasgians, the possibility will perhaps be nearly converted into certainty by the title of the bearers, which is almost Latin[35].

229 Theogon. 1011—15.

30 Hyginus Fab. 127, and one Galitas in Festus v. Roma.

31 Justin XLIII. 1.

32 Dionysius I. 43. Festus v. Palatium.

33 Heraclides in Plutarch Camill. 22.

34 Stephanus s. v.

35 Περφέρεες, Herodotus IV. 33, seems akin to *perferre*.

Evander's voyage to Latium with a train of Arcadians would not deserve the slightest notice, being an evident fiction, if it were not an indigenous and ancient one, and if there were not therefore a likelihood that an explanation may be found, to extricate it from its absurdity. Any tradition will suffice to justify the belief, that, where so many small Siculian towns were scattered around, one such will also have stood on the hill near the Tiber, where the foundations of the eternal city were one day to be laid: it bore the name Palatium, and so reminded the Greeks of the Mænalian town. But independently of this, with the Greek genealogers Arcadian and Pelasgian are equivalent terms. Nor have we any right to question the statement of Dionysius, that sacrifices were offered in memory of Evander, as well as of his mother Carmenta; and that the native histories related, that he had introduced arts and more civilized ways of life[236], had entertained Hercules and given his daughter Launa in marriage to him, and that she made the hero father of Pallas; from whom now, it is true, the town and hill seem first to receive their name; for tradition can never be kept fixed. These tales are demonstrably older than the time of Polybius: they cannot indeed be in the strictest sense of Italian origin; but who is able to measure the operation of the Pelasgic principle, which opened a way for the mythology and religion, the oracles and prophecies of Greece, to gain admission among the Romans, the Latins, and the Etruscans? and where is there a trace of the epic and lyric poets of the Greek cities on the coasts of Italy, whether more or less remote, to whom Rome was of importance long before its existence excited attention in the mother country? It is true, none of the Græco-Italian mythographers of whom mention is made, can well be older than at the utmost the beginning of the Alexandrian poetry. Whether Dionysius called the poet

[236] Also the Latin alphabetic characters as distinguished from the Etruscan. Tacitus Ann. XI. 14.

Euxenus old[237], depends on a doubtful reading: Simylus, Butas, Diocles of Peparethus, and Antigonus, (the two latter of whom perhaps wrote on Rome in verse also) are certainly not of an earlier age. The battle fought by Hercules in Liguria, his expedition across the Alps and through the peninsula, belong indeed to the old Heracleids. But it must have been Greek poets in Italy who embellished his return from Erythea with the adventure of Cacus, the battle on the Campanian Phlegra against the giants who fled to Leuternia, and the founding of Herculanum and Pompeii; as the Greeks on the Pontus told of his exploits in Scythia.

I am far from fancying that any researches can detect in what way the worship of the Sabine Semo Sancus was transferred to the son of Alcmena: I will not venture a guess, whether the great altar of Hercules was in existence before the censorship of Appius Claudius the blind. Still it is surely the most natural mode of explaining the story of the Potitii and Pinarii, to suppose that the worship of Hercules belonged to those houses as a *sacrum gentilitium*; that the Sibylline books, or the answer of an oracle, such as during the Samnite war ordered the statues of the bravest and the wisest Greek to be dedicated, prescribed the worship of Hercules, among all the Grecian heroes who had been raised to Olympus the most heroic, enjoined the erection of a statue to him, and promised blessings to those who should consecrate to him the tithes of their substance: and this perhaps it prescribed in general terms as a method of bringing the never-ending war to a prosperous conclusion. A colossal statue was erected in the year 449, in the censorship of Appius, who by money prevailed on the Potitii to teach the rites of their worship: this was justly thought contemptible; and when their house became extinct, certainly not within a year, much less

237 The words Ἔυξενος ὁ ποιητὴς ἀρχαῖος in Dionysius I. 34. are scarcely genuine: at least ἀνήρ is wanting after them.

within thirty days, but in the great pestilence which desolated Rome ten years after, men saw therein the finger of God. It was during this pestilence that the worship of Æsculapius was adopted[238].

I return to Evander, and remark that he seems to be only another form of Latinus; in one legend the son of the prophetic Carmentis, as in the other of the prophetic Faunus; giving his daughter Lavinia in marriage, in this to Hercules, in that to Æneas, both of them foreign heroes. So in another legend Latinus takes the place of Cacus, and steals the oxen.

Incomparably more brilliant and celebrated than this legend, is that of the arrival of the Trojans in Latium: but it is immediately connected with those which relate to the building of Rome; and it would be of importance only with regard to the pedigrees of the Roman gentes, even if it admitted of historical confirmation. Æneas and his followers could not transform the Latin people. I therefore sever the investigation of this legend from the present subject, and reserve it for the preliminary history of Rome.

238 The den of Cacus is placed in the Aventine; but the steps of Cacus were on the Palatine; they are known to Diodorus; and the latter hill is in his narrative the residence of Cacius, who with Pinarius hospitably and reverently entertains the Tirynthian hero, and is substituted for Potitius; nay for Evander: the latter does not appear at all, nor do any Arcadians; none but natives are mentioned. So a sister of Cacus, Caca, was worshipt like Vesta with eternal fire. (Servius ad Æn. VIII. 190.) It seems to admit of no doubt that the whole account in Diodorus of this expedition of Hercules is borrowed from Timæus: compare the circumstance of his opening a permanent secured road through the barbarous tribes of Liguria, with the Herculean road in the treatise De Mirabilibus p. 102. a. What occurs in the work bearing the name of Victor, de origine P. R. taken as it professes from Annalists, is of no importance; for that book was written toward the end of the 15th century, like the pretended writings of Messalla, Fenestella, and Modestus, or in the 16th, by an evident impostor.

THE SABINES AND SABELLIANS.

THE Romans have no common national name for the Sabines and the tribes which are supposed to have issued from them: the latter, whether Marsians and Pelignians, or Samnites and Lucanians, they term Sabellians. That these tribes called themselves Savini or Sabini, is nearly certain from the inscription on the Samnite Denarius coined in the Social war; at least as to the Samnites, whose name is in every form manifestly, and in the Greek Σαυνῖται directly, derived from Savini: but the usage of a people whose writings have perished, like every thing that is extinct in fact, has lost its rights. I think myself at liberty to employ the term Sabellians for the whole race; since the tribes which were so named by the Romans, are far more important than the Sabines; and it would clearly have offended a Latin ear, to have called the Samnites Sabines: for investigations like those of this history a general name is indispensable.

When Rome crossed the frontiers of Latium, the Sabellians were the most widely extended and the greatest people in Italy. the Etruscans had already sunk, as they had seen the nations of earlier greatness sink, the Tyrrhenians, Umbrians, and Ausonians. As the Dorians were great in their colonies, the mother-country remaining little; and as it lived in peace, while the tribes it sent forth diffused themselves widely by conquests and settlements; so, according to Cato, was it with the old Sabine nation. Their original home is placed by him [239] about Amiternum, in the highest Apennines of the Abruzzi,

[239] Dionysius I. 14. II. 49.

where on mount Majella the snow is said never wholly to disappear, and where the mountain pastures in summer receive the Apulian herds. From this district they issued in very ancient times, long before the Trojan war; and expelling in one quarter the Aborigines, in another the Umbrians, took possession of the territory which for three thousand years has borne their name. Out of this the overflowing population migrated to different parts. It was an Italian religious usage in times of severe pressure from war or pestilence, to vow a sacred spring (*ver sacrum*); that is, all the creatures born in the spring: at the end of twenty years[240] the cattle was sacrificed or redeemed, the youth sent out[41]. Such a vow the Romans made in the second year of the second Punic war; but only as to their flocks and herds[42]. Such vows, the tradition runs, occasioned the sending out of the Sabine colonies: the gods to whom each was dedicated[43], charged sacred animals to guide them on their way. One colony was led by a woodpecker, the bird of Mamers, into Picenum[44], then peopled by Pelasgians or Liburnians: another multitude by an ox into the land of the Opicans; this became the great Samnite people: a wolf guided the Hirpinians[45]. That colonies issued from Samnium, is known historically. The Frentanians on the Adriatic were Samnites[46], who emigrated in the course of the second Roman war: Samnites conquered Campania and the country as far as the Silarus: another host, calling themselves Lucanians after their leader Lucius[47], subdued and gave their name to Lucania[48].

240 Livy xxxiii. 44. Festus v. Mamertini.

41 Dionysius i. 16. Strabo v. p. 250. a. Festus v. Ver sacrum and Mamertini.

42 Livy xxii. 9.

43 Strabo and Dionysius in the passages last quoted.

44 Strabo v. p. 240. d. Pliny H. N. iii. 18.

45 Strabo v. p. 250. b. d.

46 Strabo v. p. 241. b. Scylax, p. 5. See n. 255.

47 Pliny H. N. iii. 10. Etymol. M. v. Λευκανοί.

48 In the epitaph of L. Cornelius Scipio Barbatus, *Lucanaa*. The doubling

Capua, then called Vulturnum, and a Tuscan town, bought peace of the Samnites on the terms of receiving a colony and sharing with it her city and territory[249]. This is the origin of the Campanian people: it is dated by Diodorus in Ol. 85, 3, U. C. 314[50]; and there is no contradiction between this statement and Livy's, that in the year 331 the old citizens were overpowered and massacred by the settlers. According to Cato's chronology then, which, if Campania was ever really Etruscan, is alone deserving of admission, the Etruscans cannot have occupied Capua for more than 31 years, before they were forced to share their conquest with the Sabellians. Three years after the old citizens of Capua had been exterminated, in 334[51], the Campanians took Cuma by storm, exercised on the ill-fated inhabitants all the atrocities of war[52], and sent a colony into the city: yet the Greek population was not entirely extirpated. Half a century later Scylax could still call it a Grecian city; and traces of Greek manners and customs subsisted for four hundred years after, when the Oscan language, which had supplanted the Greek, had long given way to the Latin[53].

At the beginning of the fifth century, the Oscan Cuma was already independent of Capua; which in other cases clearly exercised a supremacy over the surrounding cities. Nola however is foreign to the Campanians, as well as Nuceria: the former, which is classed among the Chalcidian towns by a writer not inconsiderate in his assertions[54], probably received Neapolitan or Dicæ-

the vowel belongs to the Oscan and old Latin: in the Julian inscription of Bovillæ we find *leege*.

249 Livy IV. 37.

50 Diodorus XII. 31. τὸ ἔθνος τῶν Καμπανῶν συνέστη.

51 Livy IV. 44. According to Diodorus XII. 76, in Ol. 89. 4. 331.

52 Strabo V. p. 243. c. Diodorus XII. 76.

53 Scylax, p. 3. Strabo V. p. 243. c. Velleius I. 4. Livy XL. 42.

54 Justin XX. 1: that is, Trogus. Also Silius XII. 161; and Silius lived among the Neapolitans.

archian settlers: the Greek language and art upon its coins favour this conjecture, without proving it.

About 390 B. C. Scylax of Caryanda* knows of no people but Campanians and Samnites between the Vulturnus and the Silarus. They possessed the country from the Tyrrhenian to the upper sea: on the latter he assigns to them the whole coast from mount Garganus to Picenum, which he accounts a part of Umbria[255]. At the same time Lucania had attained its greatest extent, so that he mentions all the sea-ports from Posidonia to Thurii under this head. Distance and the magnitude of their conquests had soon separated the Lucanians from their mother-country.

Their first acquisitions were on the lower sea: they did not yet reach to the gulph of Tarentum, the coast of which was in the possession of the Greek cities. Before the Greeks colonized that coast there were no Lucanians; Chones and Oenotrians were masters of the country: when the Samnites spread far and wide and the Lucanians settled in Oenotria, arose the wars between the Greek cities and the barbarians, which ended with the ruin of the former. Such is Strabo's meaning[56]: his expressions indeed may seem to imply that the invasion of the Lucanians must have occurred in very

* The age of this geographer has been discussed by the author in the Berlin Transactions for 1804—1811.

[255] The name of the people which he places between the Iapygians and Umbrians, is written in the title and text Δαυνῖται. Now I do not mean to deny that the Daunians may also have been called Daunitæ, though the instances cited to prove it are not worth much. But I deny that the Daunians dwelt to the west *of their own country;* I deny that Scylax could say of them that they extended from sea to sea: whereas this is very correctly said of the Samnites, whom he has named as occupying the coast between Campania and Lucania; hence I read with full conviction Σαυνῖται.

[56] Strabo VI. p. 253. b. τὰ τῶν Λευκανῶν χώρια, ἃ (l. οἳ) τῆς δευτέρας οὐχ ἥπτοντο θαλάσσης πρότερον, ἀλλ' οἱ Ἕλληνες ἐπεκράτουν, οἱ τὸν Ταραντῖνον ἔχοντες κόλπον· πρὶν δὲ τοὺς Ἕλληνας ἐλθεῖν, οὐδ' ἦσάν πω Λευκανοί· Χῶνες δὲ καὶ Οἰνωτροὶ τοὺς τόπους ἐνέμοντο. κ. τ. λ.

early times, soon after the founding of the Greek cities; but this is not the case.

When Sybaris ruled over the country between the two seas, there can have been no Lucanians in it: the fall of that city belongs to Ol. 67. 3, u. c. 242. Nor could any powerful barbarians have been masters of the coast between Posidonia and Laos about 280, when Micythus built Pyxus there[257]: although they might have already established themselves in the interior, in the parts which Croton was too distant to subdue and to protect. The Lucanians, as has been observed above, established themselves on this western coast, before they came into hostile collision with the great cities on the bay of Tarentum[58]; a collision evidently occasioned by the conquest of Posidonia and its confederate towns. Now if we were bound to assume that the dominion of the Lucanians put an end to the use of the Greek language at Posidonia, at least in public monuments, it would be necessary to postpone the date of that conquest until the end of the Peloponnesian war; since among the coins of Posidonia, as there are many that completely resemble the most ancient of Sybaris, so not a few from their execution cannot be earlier than that epoch. But the melancholy custom, which according to the account of Aristoxenus[59] was still continuing about the middle of the fifth century, exhibits in the Lucanian Pæstum a subjugated Greek community, consciously verging toward its extinction, but still continuing under foreign dominion: so that it shews the Lucanians as a sovran colony, in the midst of the previous inhabitants whom they had reduced to subjection. Scylax considers Posidonia as a Greek city even in his time: and as Nola always, and Capua itself at times, used the Greek character on coins, nothing can be proved from this as to the time when Posidonia was lost to the Greeks. It is probable that the Samnites did not

257 Eckhel. Doctr. num. I. p. 152.

58 Strabo VI. p. 254. c.

59 Athenæus XIV. p. 632.

establish themselves in these more remote and incomparably less tempting regions sooner than in Campania, where the gates of Vulturnum opened to them in 314. Thurium was built in 306 (Ol. 83. 3), without any hinderance from hostile barbarians; and the rapid growth of the new city proves that none stood in her way. She had a quarrel with Tarentum only: this was composed by the peace concluded by her general the Spartan exile Cleandridas, by virtue of which Heraclea was founded in the year 319, Ol. 86. 4[260]. Thirteen years before, Cleandridas had enjoyed such power and dignity in his native country, that we must suppose him at the time of this treaty to have at least reached the extreme highth of manhood; and his energies cannot have continued a great many years longer adequate to the functions of a general. But the very earliest mention of the Lucanians is on the occasion of his leading the Thurians with skill and courage against them as well as against Terina[61]: which last circumstance proves that the Sabellians had not then penetrated into the country between the two cities. Antiochus closed his Sicilian history with Ol. 89. 1. 328; the year in which the Samnite colony gained exclusive possession of Capua: so that it is to somewhat about this point of time that we must refer the boundaries he assigns to Italy, according to which the Lucanians had penetrated as far as the Laos. Thirty years later, Ol. 96. 4. 359, the Italiots[62] conclude the first general defensive league since the beginning of the Greek settlements on these coasts, and it is directed against the Lucanians and against Dionysius[63]. The capital punishment denounced upon the general of any city, the troops of which failed to appear on an irruption of those barbarians, shews what danger threatened when such alarm was confessed: yet the Lucanians did not reckon at that time more than 34000

[260] Strabo VI. p. 264. c.

[61] Polyænus II. 10. 2. 4. and 1.

[62] The Greeks of the original and proper Italy.

[63] Diodorus XIV. 91.

fighting men[264]. In the year 362, Ol. 97. 3, the Thurians were completely defeated and almost exterminated near Laos[65], of which the Lucanians had then made themselves masters. After this battle their conquests spread like a torrent, facilitated by the ruin which the Syracusan tyrants brought on the Greek cities. Dionysius the younger, who concluded a peace with them before Ol. 103, 2. 393[66], had begun during the war to fortify a line on the peninsula between the Scylletic and Hipponian gulphs for the protection of his Italian province[67].

The Lucanian state had at this time reached its greatest extent. Only three years after, Ol. 106, 1. 396[68], the Bruttian people makes its appearance: it arose out of miscellaneous companies, such as flock together in a time of utter confusion, when continual wars are carried on with hired troops; and out of revolted bondmen, who either assumed in mockery the name of runaway slaves, or adopted it if it was affixed to them as a reproach[69]. But when they took rank among nations, they

[264] Diodorus XIV. 101. foll.

[65] The text of Diodorus has: *βουλόμενοι (οἱ Θούριοι λαὸν καὶ πόλιν εὐδαίμονα πολιορκῆσαι·* who ever used the phrase, *ἔθνος* or *λαὸν πολιορκῆσαι*? The true reading is: *βουλόμενοι Λᾶον πόλιν εὐδαίμονα πολ.*: and this is evident from Strabo VI. p. 253. a. b. where likewise instead of *ἐπὶ ταύτην λαοὶ* we must read, *ε. τ. Λᾶον*.

[66] Diodorus XVI. 5. [67] Strabo VI. p. 261. c.

[68] Diodorus XVI. 15.

[69] The Romans also called them Brutates, according to the old double form for many names of nations in Latin, from one of which is derived the name of the country, as the second is in its turn from the latter: the one ends in *us*; the other (from *ans* or *ins*) in *as* or *is*. From Savinus, Savnium, Samnium, Samnis: from Lucanus, Lucania, (Lucans), Lucas (extant in bos Lucas, and the genitive plural Lucanom on the coins): from Bruttius (probably Bruttus), Bruttium, Bruttas: from Campanus, Campania, Campas (Plaut. Trinum. II. 4. 144.): lastly Romanom on very old coins comes from Romans, Romas. To this class belongs also Ἰταλία, Ἰταλίητες: Antiochus in Dionysius I. 12. and even Σελλὸς, Ἕλλας, Ἕλλην. Herodian ascribed the form of the proper names in *ης* with a lengthened genitive in *ντος* to the ancient Siculian dialect: Bekk. Anecd. p. 1390: this would be Ἰταλίηντος, like Antiatis, Brutatis, Samnitis, &c.

too became entitled to a heroic genealogy; and they honoured as the father of their race Bruttus son of Hercules and Valentia[270]: so little were the nations of antiquity in earnest with such genealogies; the one just mentioned evidently deduces the right of being a nation from courage and strength. It must not be overlooked that this was certainly not the first time the Bruttian name was heard in Magna Græcia: not less than perhaps eighty years before, Bruttians had destroyed the city built on the Traeis by the descendants of the Sybarites who had escaped the carnage of Thurii[71]. Where a whole population is reduced to bondage, general insurrections are inevitable; like those of the Helots and Penestæ in Greece: thus in Italy there must always have been Bruttians. That the people so called in later times, who at last completely succeeded in an attempt often ineffectually renewed, drew their origin from mixed races, in part from the Oenotrians who had been moulded into Greeks, is established by their speaking Greek as well as Oscan[72]. To the Greek cities they were still more formidable neighbours than the Lucanians themselves: they were avenging the servitude of ages: the times too grew continually more disorderly. Before they make their appearance in Roman history, they had laid waste Terina, Hipponium, and even Thurii: the latter city sprang up again like a weakly shoot from the root of a felled tree; as Olbia did after it had been desolated by the Sarmatians*. Lucania, abridged of the larger and fairer half of her territory, was prudent enough to resign hopeless pretensions in time, and to enter into a league with her former

270 Steph. v. Βρέττος.

71 This is the way Wesseling ought to have resolved the doubt which occupied him on Diodorus XII. 22. Diodorus does not name the town: it must have been Sybaris: and in Strabo VI. p. 264. c. ἐπὶ Τράεντος Σύβαριν should be read instead of ἐ. Τεύθραντος.

72 Fest. Epit. v. bilingues Brutates; and Scaliger's note.

* Dio Chrysost. Orat. Borysthenit. near the beginning.

subjects, for the sake of indemnifying herself by conquests on the Tarentine gulph; and in that direction she pushed her frontier near to Tarentum; whereas Scylax ends the Lucanian coast with Thurii, and assigns Heraclea to Iapygia, the ancient Italy being out of the question. But her undertaking drew three Greek princes, Archidamus, Alexander the Molossian, and Cleonymus, over to Italy; and the attack on Thurii at last turned the arms of Rome against the Lucanians. In Roman history they appear internally distracted, feeble, and spent, like a state where the citizens prefer ruling over bondmen and subjects in numbers far exceeding their own, to uniting with them into one great and powerful nation: that they were rich, is proved by the spoil the Romans took from them; and such wealth, where the owner is unable to defend it, corresponds with a republic grounded on the exclusion of the commons from civil rights. In what sense Petelia is termed their metropolis, Consentia that of the Bruttians, is a riddle.

Between the Sabines and Samnites lies the country of the Marsians, Marrucinians, Pelignians, and Vestinians: this situation would of itself form a ground for conjecturing them to have been of the same race. It is true, the Pelignians are said to have been of Illyrian origin[273]: but this statement is contradicted by evidence of incomparably greater weight; Ovid, himself a Pelignian, terms the Sabines the ancestors of his countrymen[74]. Other Roman poets with almost equal distinctness account the Marsians among the Sabellians: in Horace the same incantations are called Marsian and Sabellian[75]; and Juvenal speaks of the Marsians and their Sabellian fare[76]. The word *hernæ*, which Servius ascribes to the Sabine

[273] Festus v. Peligni. [74] Fast. III. 95.

[75] Epod. XVII. 28, 29. Sabella pectus increpare carmina, Caputque Marsa dissilire nænia.

[76] III. 169. Translatus subito ad Marsos mensamque Sabellam. Virgil too might mean to intimate this, when he wrote Georg. II. 167.

language, is by an older Scholiast said to be Marsic[277]. Now if the Marsians are Sabellians, the same holds of the Marrucinians, whose affinity Cato recognized, and expressed by an etymology after the strange manner of the ancients[78]. Their name is formed, according to the common Italian practice of lengthening several derivative terminations, from Marruvii, which was one form of the name Marsi[79]; and it might just as well have been Marsicini. Another passage in Juvenal, whose language is very remote from that indefiniteness which in fact is only ascribed to poets by superficial readers, joins the Vestinians with the Marsians in a way which, when fairly considered, expresses the identity of their national character, and that it was the same with that of the Sabellian race, so famed above all others for the strictness of its morals[80]. Moreover those four tribes were united in a federal league; which leads us to infer their common origin, though it certainly does not prove it. When the Vestinians allied themselves to the Samnites in 429, a general war with the three remaining tribes appeared inevitable, if Rome ventured the attempt to disable her new enemy by a sudden attack[81]. Polybius, in the list of the militias which the nations of Italy could bring into the field, if necessary, at the time of the Cisalpine war, gives the number of troops belonging to these four tribes in one sum[82]. Ennius likewise named them together[83],

[277] Servius and the Schol. Veron. ad Æn. VII. 684.

[78] Cato Origg. II. in Corte's Collection, p. 10. Marsus hostem occidit prius quam Pelignus: inde Marrucini dicti, de Marso detorsum nomen.

[79] Virgil Æn. VII. 750. A poet's learning decides nothing as to his value: but to do justice to Virgil, we ought to acknowledge his great erudition in history and antiquities of every sort, which the Scholiasts extoll with perfect reason. From Marruii (like Pacuius instead of Pacuvius) came Marruici, Marruicini.

[80] Juvenal XIV. 180. 181. O pueri, Marsus dicebat et Hernicus olim, Vestinusque pater.

[81] Livy VIII. 29. Marsi Pelignique et Marrucini; quos, si Vestinus attingeretur, omnes habendos hostes.

[82] Polyb. II. 24.

[83] Fragm. Ennii ed. Hesselii, p. 150. Marsa manus, Peligna cohors, festina (l. Vestina) virum vis.

except the Marrucinians; but their name may have begun the next verse, the quantity of the second syllable allowing it: if the poet did not mention them specifically, he might satisfy himself with reflecting that they were Marsians.

The Hernici are remarkable in history from the singularly favorable relation in which they stand to the Roman people, as allies on an equal footing: and common hostility to the Ausonian tribes, which surrounded the hills of the Hernici almost on every side, is evidently the bond of this union. Thus far the statement of Julius Hyginus that they were Pelasgians[284], who must therefore have maintained themselves in their impregnable strong holds on the advance of the Opicans, would recommend itself by its internal probability. But as a witness he deserves no credit; and the contrary statement, which accounts them among the Sabellians, has in its favour the important point, that the explanation of their name from the Sabine and Marsic word *hernæ*, rocks, is well attested and seems highly credible. According to Servius they proceeded from the Sabines; according to an older Scholiast they were a Marsian colony[85]: so that their settlement must be assigned to the period when the Sabines were pushing forward toward the sea along the Tiber as well as in the south.

The Italian national migrations came down like others from the north; and Cato's opinion, that the origin of all the Sabellians was derived from the neighbourhood of Amiternum, admits of no other rational meaning, than that the most ancient traditions, whether they may have been Sabine or Umbrian, assigned that district as the habitation of the people who conquered Reate. Dionysius indeed seems to have understood Cato as having derived all the Sabines, and consequently through them their colonies, from a single village, Testrina, near Amiternum,

284 Macrobius v. 18. 85 Schol. Veron. ad Æn. VII. 684.

as it were from a germ: but so extravagant an abuse of the genealogical view we have censured, ought not surely to be imputed to Cato's sound understanding. He must have known and remembered, how numerous the nation was at the time of its utmost greatness; when it counted perhaps millions of freemen. Three hundred and sixty thousand Picentines submitted in the fifth century to the dominion of Rome[286]: now though it is probable that not the able-bodied citizens alone are meant here, but all the free individuals, as in Cæsar's enumeration of the Helvetians, still the Picentines were among the less considerable of the Sabellian tribes. They and others of their race may have admitted among them the people whom they had subdued; still the opinion which Dionysius thought he found in Cato, is not the less absurd.

At Reate, in the Sabina, in the country of the Marsians, they found and subdued or expelled the Aborigines; about Beneventum, Opicans, and probably therefore in the land of the Hirpinians also. On the left bank of the Tiber they dwelt in the time of the Roman kings low down, intermingled with the Latins, even south of the Anio; not merely at Collatia and Regillum[87], and on two of the Roman hills. Wars with the Sabines form a great part of the contents in the earliest annals of Rome: but with the year 306 they totally cease: which evidently coincides with their diffusion in the south of Italy. Toward this quarter the tide of overflowing population from all the Sabellian tribes now turned; and the old Sabines on the Tiber become quite insignificant.

Strabo calls the Sabines Autochthons[88]: this applied to a people whose spreading so clearly falls within the historical period, can only mean that they cannot be taken for a colony from any nation out of Italy. He might be induced to assert this by the fiction of the Tarentines, which still lived in books, that the Samnites

[286] Pliny III. 18. [87] Livy I. 38. II. 16. [88] Strabo V. p. 228. c.

contained a mixture of Lacedemonians: but which Strabo's sound sense rejected as a frivolous compliment to a powerful neighbour[289]. Others had invented the same mixture for the parent race, the Sabines: Amynclæ or Amyclæ on the Liris seemed to be necessarily a colony from Sparta; and so the poets, though perhaps none earlier than the Alexandrian school, sang that the Dioscuri founded it with Glaucus[90]. Further traces of Sparta were now sought and supposed in that vicinity. Caieta was derived from Καιάτας: the goddess Feronia was referred to the Laconian Pharæ; Lacedemonians were said to have landed on the Pomptine coast, not now however in the heroic age, but in that of Lycurgus, and thence to have proceeded into the interior and joined the Sabines[91]: an absurdity, to the mention of which I should allow no room in this work, if it did not exemplify the origin of much that professes to be tradition.

As I have already observed, it is by no means improbable, though it is a point we are not at liberty to assume in an historical investigation which seriously seeks the truth and believes in historical truth, that the Sabellians and Opicans were only branches of one race. The Sabine language must have been altered in the conquered countries, by intermixture with those of the nations whom they subdued but did not exterminate; yet all the Sabellians spoke a common one. Varro argued the Sabine origin of the word *multa*, from its being then found in the Samnite language[92]; and to shew that *Cascus* was a Sabine word he brings forward the meaning of the name Cassinum, a place inhabited by the Samnites who sprang from the Sabines[93]. This leads us to conjecture that the original

289 Strabo v. p. 250. b. c.

90 Servius ad Æn. x. 564.

91 Dionysius II. 49. The native books in which this tale occurred, are not Sabine; but those of Gellius, whom Dionysius mentions in the introduction among his authorities. This is clear from Servius ad Æn. VIII. 638: where Cato's name is introduced into the rambling discussion, only because he too derived the name of the people from Sabus.

92 Gellius XI. 1.

93 de L. L. VI. 3. p. 86. Bip.

Sabines, who had so long been Roman citizens, no longer spoke their own language; seventy or eighty years later Strabo remarks that the language of the Samnites and Lucanians was also extinct[294]. I have already observed that *hernæ*, rocks, was a Sabine and Marsic word. The Campanian Oscan must have been the furthest removed from the Sabine[95], and have subsisted the longest: it had not quite disappeared at Herculanum and Pompeii when they perished.

The Marsic inscription in Lanzi is not to be explained in the present state of our information as to the Italian languages; though a close approximation to the Latin is strikingly evident. The Marsians and their confederates, together with the Frentanians, and assuredly the ancient Sabines also, used the Latin characters, with which the table at Bantia is likewise inscribed: of the Samnites, coins are the only written monuments, which, like all the Campanian, except where Greek appears, have the Etruscan character; notwithstanding which there is no ground for imagining even the remotest affinity between the languages. The coins of the Lucanians have the name *Lucanom* in Greek letters; so that they probably used the latter instead of the Etruscan. But not the Greek alphabet alone: hereditary enemies as they were to the Greek cities, they nevertheless acquired the language in such a degree, that their ambassador filled the popular assembly at Syracuse with surprise and enthusiasm by his pure Doric[96]: nor would the authors of Pythagorean treatises have used the titles of imaginary Lucanians, had it not been notorious that this philosophy had found reception there, or had it been unusual for Lucanians to write Greek[97].

294 Strabo vi. p. 254. a.

95 Sabina usque radices in Oscam linguam egit, says Varro, vi. 3.

96 Or. Corinth. among the orations of Dio Chrysostom ii. p. 113. ed. Reisk.

97 The history of the nation however proves that Lucanian philosophers in the time of Pythagoras, and even long after, are a late fiction.

Strictness of morals, and cheerful contentedness were the peculiar glory of the Sabellian mountaineers, but especially of the Sabines and the four northern cantons: this they preserved long after the ancient virtue had disappeared at Rome from the hearts and the demeanour of men. In other respects few nations ever varied so much in their tribes as this great people: the Samnites, Marsians, and Pelignians, were fond of war and clung to liberty even unto death; the Picentines were sluggish and timid; the Sabines pious and just; the Lucanians addicted to ravage and plunder. The Campanian knights were so completely estranged from their ancestors, that they are out of the question here. All the Sabellians, but especially the Marsians, were interpreters of omens, chiefly from the flight of birds. The Marsians also pretended to skill in charming serpents and to magic cures for their bites: and to this day the jugglers, among whose arts for exhibition to the populace the familiar handling of these reptiles is one of the chief, come out of their country, out of Abruzzo, from the Lago di Celano, to Rome and Naples.

Most of these tribes, and the Sabines themselves, inhabited open hamlets; the Samnites and the members of the northern confederacy dwelt, like the Epirots, around the fortified summits of their hills; where a brave people could defend the approaches even without walls: not that they had no fortified towns, but the number was small. In Samnium not a single ruin is found of the time anterior to the Romans: this does not arise solely from the ravages of war. The free shepherd and peasant builds himself dwellings on his hills suited to his wants, not to hold out against time and wars. Nor are works of art in clay or brass, or sepulcres containing vases, found any-where in the purely Sabellian districts; but only in those which they occupied as rulers, in Campania and Lucania.

The Sabellians would have made themselves masters

of all Italy, had they formed a united, or even a firmly knit federal state, which should have lastingly appropriated its conquests, holding them in dependence and securing them by colonies. But unlike the Romans, the enjoyment of the greatest freedom was what they valued the highest; more than greatness and power, more than the permanent preservation of the state. Hence they did not keep their transplanted tribes attached to the mother-country: they became forthwith foreign and frequently hostile to the state they had issued from: while Rome, sending out colonies of small numbers, was sure of their fidelity, and by means of these, and by imparting dependent civil rights, converted a far greater number of subdued enemies into devoted subjects. In this way Campania was suffered to escape from the power of the Samnites. Without reckoning the Campanian cities, in which the elements of the Oscan population again prevailed, and besides the Bruttians, who were properly foreigners, the Sabellian cantons, when war broke out between Rome and Samnium, were about twelve in number. Of these the Marsians were united with the other three middle states in a federal league, with a community of national laws, but not under a common government, in the way in which Rome was united to Latium and the Hernici: the tie which bound, at first, as it would appear, five tribes, at a later period four[298], to the Samnite republic, seems to have been firmer, but insufficient. In time of war the Samnites elected a sovran general, whose Sabellic title *Embratur* was moulded into a Latin word, to designate the chief commander. We find it on the Samnite Denarius of the Social war for C. Papius Mutilus: Livy terms the Samnite commander-in-chief *Imperator*, as he calls a Latin one *Dictator* or *Prætor*. Strabo says[99] that in war the

298 The Pentrians, Caudinians, Hirpinians and the people of the coast from Surrentum to the Silarus: at an earlier period the Frentanians also. But there may have been a still greater number of Samnite cantons, though no mention of them has been preserved.

99 Strabo VI. p. 254. c.

Lucanians elected a king; this was the election of an *Imperator*.

The Samnites and the Marsian confederacy, the Samnites and the Lucanians, were hostile to each other: the ancient Sabines and the Picentines were indifferent to the rest. But the Samnites, even standing alone, would never have fallen before the Romans, if they had enjoyed a similar constitution, and that unity to which the nations of antiquity never attained except by means of a predominant capital.

The TUSCANS or ETRUSCANS.

About the time of the Persian wars, the Etruscans excited the fears and attention of the Greeks, as masters of the Tyrrhenian sea; although Dionysius is mistaken in supposing that the Greeks named the whole west of Italy Tyrrhenia after them: that name belongs to the period of the genuine Tyrrhenians. When they were confined to Tuscany, and even there had become dependent on the sovranty of Rome, their renown passed away, and the contemporaries of Polybius held their former greatness to be fabulous[300]. In Roman history they are of importance only in the period from the kings to the Gallic conquest; afterward in comparison with the Sabellian tribes they are quite inglorious. By the Greeks they are mentioned mostly to their discredit, sometimes as pirates, sometimes as gluttons; by the Romans only as aruspices and artists: it is not a traditional opinion which has taught the moderns, that, without regard to the extent their empire once had, they were one of the most remarkable nations of antiquity. The ruins of their cities, the numerous works of art which have been discovered, the national spirit of the Tuscans who saw in them ancestors they were proud of; even the tempting enigma of a language utterly unknown; all this has drawn the attention of the moderns toward them above every other Italian tribe; and the Etruscans are at present incomparably more celebrated and honoured, than they were in the time of Livy. Unhappily the interest thus felt has not been combined with an equal degree of judgement and

[300] Polybius II. 17.

impartiality: men have not been willing to content themselves with knowing only what research could discover: and no part of literature relating to ancient history contains so much that is irrational, hasty, and unprofitable, nay uncandid, as may be found in what has been written on the Etruscan language and history since Annius of Viterbo.

I think I have sufficiently explained the origin of the erroneous opinions on the extraction of the Etruscans, which deceived even the Greeks, and have led the moderns still further astray, in proportion to their anxiety in seeking some key or other to the mysteries of a buried language. It is enough here to remind the reader, that, because Tyrrhenia retained its name after it had been conquered by the Etruscans and a part of the Tyrrhenians had emigrated, two entirely different races were called by the Greeks Tyrrhenians: the Pelasgians on the coast of Asia and on the islands in the northern part of the Ægean, and the Etruscans. The latter had no more title to the name, than the English to that of Britons, or the Spanish Creoles to that of Mexicans or Peruvians: it was acquired in all the three cases in precisely the same manner. Now it being supposed that Pelasgians could only be derived from Greece, hence the story of the migration from Thessaly was invented; and because the Mæonians were Tyrrhenians, and it passed for certain at Athens and among the Ionians, that these Tyrrhenians, like those of Lemnos, were of the same stock with the ancient inhabitants of Agylla and Tarquinii, hence arose the story concerning the Lydian emigration of the ancient Tyrrhenians, which Herodotus, in one of his less fortunate hours, understood of the Etruscans.

Without having detected the cause of the errour, Dionysius combats the two equally fallacious assumptions with great ability. That the account of Herodotus was not founded even on a Lydian tradition, he proves by the unexceptionable authority of Xanthus;

that it would deserve no credit, even if it had been a tradition, by the complete difference of the two nations in language, usages, and religion. His assertion that the Etruscans spoke a wholly peculiar language which bore no affinity to any other, would deserve full credit, even if we had only his evidence; since the Etruscan was then and for a long time after a living language, and books written in it were read[301]. It is however but too strongly confirmed by the extant inscriptions, in the words of which not even the most violent etymological artifices can detect any analogy with the Greek language or the kindred branch of the Latin; so that to all appearance they will remain for ever a dead treasure[2]. In opposition to the unanimous evidence of the ancients, who distinguish the Tuscan language with equal positiveness from the Sabine and from the Oscan, an opinion has arisen among Italian scholars, that all the nations of Italy, remains of whose languages occur in inscriptions, with the exception of some nameless races in the South, spoke only dialects of the same fundamental language. Unbiassed investigation, such as there are ample means of undertaking, will convince every one, as it has convinced me, that the Etruscan bore just as little affinity to the Oscan, as to Latin and Greek.

Tuscans and Etruscans were names as foreign to this people as Tyrrhenians[3]: they called themselves Rasena. The old Roman terms were, *Etruria* for the country, *Tusci* for the people: *Etruscus* did not come into use

[301] The verses of Lucretius,

> Non Tyrrhena retro volventem carmina frustra
> Indicia occultæ Divum percurrere mentis,

shew that in his time the Etruscan books were still read in the original, from right to left (retro). I will remark by the way that Lucretius by Indicia mentis means to explain indigitamenta.

[2] Among all the Etruscan words of which explanations have been pretended, only two, *avil ril*, *vixit annos*, seem to have been really explained: and it is in this very instance that Lanzi makes a struggle (T. II. p. 322.) because not a shadow of analogy can be found for *ril* meaning year. Perhaps also *turce*, ἐποίει.

[3] Dionysius I. 30.

till after Cato's time. The latter name then grew the more usual in the language of books: the old one must have continued prevalent in the mouth of the people: hence under the later emperors came the name of *Tuscia* for the country[304] which had never before been used in writing, and since the middle ages *Toscana*, and *Toscani* for the people.

In their flourishing times the Tuscans, as conquerors of the more ancient Tyrrhenians and the Umbrians, inhabited Etruria proper, and the country about the Po, besides their distant colonies. The Rætians and other Alpine tribes were also, as we are expressly assured by Livy[5], of Tuscan race: so, according to Strabo, were the Lepontians and Camunians[6]; perhaps too the Euganeans, who inhabited Venetia before the founding of Patavium: and the language spoken by the people of Groeden in the Tyrol, which, much as it is mixed, still seems to stand alone in its peculiar roots, may have some claim to be considered as a relic of the Etruscan[7]. Mount Brenner formed the northern boundary of the Rætians, consequently of the Etruscan race. But were these Rætians, as the common opinion inclines[8], Etruscans of the plain, who had retired upon the Alps before the invading Gauls? It would be necessary to suppose that the vallies of the Alps were totally uninhabited, in order to concèive it possible that the expelled inhabitants of northern Etruria could take possession of them, otherwise than as fugitives received through pity: for surely they who had not been able to resist the Gauls either in the field or behind their ramparts, would have been still less able, when conquered and flying, to wrest the land of the mountaineer from him. But these regions were by no means unpeopled: Polybius speaks of the inroads made by the Alpine tribes into Cisalpine Gaul immediately after

304 Servius ad Æn. x. 164. who censures the newly introduced word.

5 v. 33. The reading *Rhæti*, instead of *Ræti*, is contrary to all good authority.

6 He says they are of Rætian race, IV. p. 206. b.

7 Hormayr Geschichte von Tyrol, p. 139. foll.

8 Mentioned by Pliny H. N. III. 24. and Justin XX. 5.

the Gallic invasion. And so long as there was a home on the other side of the Po or of the Apennines to receive the flying Etrurians, they would not have moved northward. It would be far more conceivable—and Livy's expressions are no way adverse to this supposition[309]—that the Etruscans in the time of their greatness had occupied the mountains as a bulwark against irruptions from the North; as Theodoric settled a Gothic colony in the land of the Breones. A rich people may conquer even poor mountains from ambition; or may occupy them from caution: but that it should expel the old inhabitants by colonization, when more smiling regions invite it[10], implies a unity and plan in the government such as is at least improbable, in a state like the Etruscan consisting of cantons. Yet I readily admit that the disorganized state the Etruscan nation appears in during the fourth and fifth centuries, does not prove that it had never previously been united in a real federation; and the greatness of the nation in the third century might even lead one to conclude that at that time it had so collected its forces. Subsequently the cause of its ruin on both sides of the Apennines lay in the complete insulation of the cities.

If on the other hand Rætia was the original home from which the Etruscan people issued and spread, first in upper Italy and afterward across the Apennines, it is very conceivable that at the time of those migrations a great part of the nation staid behind, because, as the Arragonese said in the introduction to their laws[11], they would not exchange their rocky soil for a fat land, that they might not leave their freedom and virtue at home also: and to these, to the house of their fathers,

[309] v. 33. after saying that the Etruscans had first inhabited the coast of the lower sea, and thence had founded twelve colonies north of the Apennines, he proceeds: Alpinis quoque ea gentibus haud dubie origo est, maximeque Rætis.

[10] Such as the plains and hills of the Veneti, which the Tuscans did not seize; and the conquest of which could not have been rendered so difficult even by a large population and fortified towns, as that of Rætia was by nature and its people.

[11] Mirabeau, Essai sur le Despotisme, p. 238.

many of the lost sons may have returned, when the days of prosperity had passed. Even the harshness of the Etruscan language, which seems still to survive in the Florentine pronunciation, might be adduced as an additional argument for the origin of the people from high mountains: for, unintelligible as are the contents of Etruscan inscriptions, still they shew unequivocal marks of such a character: and a nation in whose language consonants were not predominant, would scarcely have adopted the oriental mode of dropping the short vowels in writing. But we have also historical statements, as authentic as can be required for those times, which testify that the Etruscans only spread gradually toward the South.

The very ancient history of the Umbrians related that the Etruscans had conquered three hundred towns of their nation[312]: so that the Umbrians must once have occupied the greatest part of the countries, which the Etruscans possessed in the fulness of their power. It may be said that this was the land between the Alps and the Apennines; since, until the irruption of the Gauls, the Umbrians retained some territory between the latter hills and the Po. And this was certainly a part; but so likewise was Tuscany, where, low down on the left bank of the Tiber, stood the ancient towns of the Umbrians, and where they once dwelt as far as the Anio. Even Micali[13], who yet would not part with the persuasion that his country was the cradle of the Etruscan nation, observes, that the river Umbro, at the mouth of which Pliny mentions a district called Umbria, reminds him of the Umbrians[14]. According to the tradition of the Lydian migration, Pisa and the whole country even to the rocky summits of the Alps were wrested from the Umbrians by these Tyrrhenians: and Pliny terms the Umbrians the most ancient inhabitants of Etruria who were

312 Pliny H. N. III. 19.

13 T. I. p. 58. comp. p. 106, 107.

14 Pliny H. N. III. 8.

expelled by the Pelasgians[315]. Though it may be denied that Herodotus declares Cortona not to have been Etruscan, or supposed that he is mistaken if he does so; still Cære, Graviscæ, Alsium, Saturnia, were occupied by the Etruscans as conquerors, after expelling the people which in Italy bore the name of Siculians, in Athens of Pelasgians and Tyrrhenians[16]. Pelasgians were in possession of Tarquinii also before the Etruscans[17]. Populonia is called a colony of the Volaterrans, who had driven the Corsicans from this coast[18]. Pisa too is mentioned by Dionysius among the places which the Etruscans wrested from the Pelasgians[19]: that it was not originally Etruscan, lies at the bottom of the statement that it was built by Greeks after the taking of Troy. And supposing this to be derived from the seemingly Greek name of the city, yet even Cato held the Tuscans not to have been the first inhabitants[20]. It was undoubtedly from him or Varro, that Dionysius borrowed his accounts of the way in which the Etruscans spread toward the Tiber. But all statements, however internally probable and well attested, were forced to give way to the tale of a Lydian extraction. For this of necessity placed the first settlement of the new-comers on the coast of the lower sea; which is also assumed by Lycophron: and thus was formed the opinion, which in Livy passes for ascertained truth, that Tuscany was the original Etruria, and that the Tuscans to the north of the Apennines had moved thence up toward the Alps. I do not mean to dissemble, that two Latin writers of Etruscan history, Flaccus and Cæcina, unquestionably related, that Tarchon had crossed the Apennines and built the twelve northern cities, among

[315] Lycophron, v. 1359—61. Herodot. I. 94. Pliny H. N. III. 8. Even Cluverius, though in other respects he adopts widely different opinions, considers Tuscany as a later conquest of the Etruscans.

[16] Dionysius I. 20. 21. Strabo V. p. 225. d.

[17] Justin XX. 1. See above p. 30. n. 78.

[18] Servius ad Æn. X. 172.

[19] Dionysius I. 20.

[20] Fragm. Origg. in Cortius, p. 16.

which was Mantua[321]. But as Tarchon is introduced here, that is, Tyrrhenus and the Mæonian fable, this is of no more weight than the account of Antenor in the Patavine Livy. What the native annals of the Etruscans related of their origin, we know only negatively, so far as that the Lydian legend had no place in them. Among a priest-ridden people like the Etruscans, the annals must have been in the hands of the priests, as even at Rome they were in those of the pontiffs; and since they considered Etruria as the chosen, favorite land of the Gods[22], it was natural they should pretend to have been its primitive inhabitants.

The Etruscans at no time possessed the whole of Cisalpine Gaul. Westward their territory extended only to the Ticinus, where in those days Ligurians were dwelling, who were afterward driven back by the Gauls. The land south of the Po also, as far as the neighbourhood of Parma, was inhabited by Ligurians, or was rendered uninhabitable by swamps. The Umbrians, when the Gauls made their irruption, were still masters of Romagna. But between the Veneti and the Gauls, Etruscan settlements maintained themselves until the time of the Romans: Verona is termed by Pliny a Rætian city, Mantua by him and by Virgil a Tuscan[23]. Thus cities of that people gave birth to the most genial and to the most elaborate of the Roman poets. Both these towns may be classed among the twelve Tuscan to the north of the Apennines, to which Hatria, Melpum, and Felsina decidedly belonged. The first of these, once a great commercial city, gave its name to the upper sea. Melpum, in the Milanese, to the north of the Po, a very rich town, was destroyed by the Boii,

[321] Schol. Ver. ad Æn. x. 179. compared with Servius.

[22] Vegoja, among the fragments of the Agrimensores Goes. p. 258. Scias mare ex æthere remotum. Cum autem Juppiter terram Hetruriæ sibi vindicavit, &c.

[23] Plin. H. N. III. 23. Virg. Æn. x. 199—203. So likewise by Flaccus Cæcina. As to Verona, we have certainly to choose between this statement, and that which assigns it and Brixia to the Cenomani. See the notes on Livy v. 35.

Senones, and Insubres, on the same day that Camillus took Veii, in the year 358[324]. Bononia, under the name of Felsina, was once the capital of Etruria[25]: this too seems to shew that the nation did not spread from the south of the Apennines.

The twelve cities south of the Apennines, which were leagued together as sovrans of their respective districts, frequently as their number is mentioned, are no where enumerated by name; and it is doubtful as to several among those that seem to have a claim to this preeminence, which must yield to others.

Livy, in relating that the allies voluntarily forwarded Scipio's preparations, says that the Etruscan tribes promised support, each according to its means[26]; that is to say, all of them: but he afterward mentions only eight cities, and what each supplied. These were Cære, Tarquinii, Populonia, Volaterræ, Arretium, Perusia, Clusium, Rusellæ: that one or other would withdraw itself, is not to be conceived; but the writer in his rapidity of composition may easily have omitted some. This is not improbable as to Cortona, which a century before he calls one of the chief places in Etruria[27]; yet in this he may have been mistaken, and that city may then too have been no more Etruscan than Falerii[28]. But there is still a third supposition possible; namely, that in the last years of the war with Etruria, which Livy had related in his eleventh book, Cortona was compelled to submit to Rome, and so acquired no share in the terms of the general peace, by which the other towns were recognized as states, only dependent on the sovranty of Rome. Populonia, being a colony from Vola-

[324] Pliny III. 21. [25] Pliny III. 20.

[26] XXVIII. 45. Etruriæ populi pro suis quisque facultatibus consulem adjuturos polliciti.

[27] IX. 37. A Perusia et Cortona et Arretio, quæ ferme capita Etruriæ populorum ea tempestate erant.

[28] Above, p. 58.

terræ, cannot have been one of the twelve original cities; it can only have taken the place of one. Now if our topography be correct in placing Vetulonium in its neighbourhood, Vetulonium, which never appears in the historical time of Rome, and even before is only mentioned once, in the account, unnoticed by Livy, that Etruria waged a protracted war against Tarquinius Priscus and the Romans[329]; then that city, which according to tradition was once great, may have passed into the rich and flourishing one of later growth, as Himera did into Thermæ. So we find at different epochs thirty Latin cities, and seven Frisian provinces; the whole number is preserved; but some of them are new, to replace the extinct or lost.

In Etruria Veii and Vulsinii had fallen, and in the decline of the nation their place was not supplied: this, if Cortona may be accounted Etruscan, would give eleven cities. Now whether Capena, or Cossa, or Fæsulæ completed the number, is a question I am unable to decide.

About the year 550 the first of these might certainly no longer be named among the Etruscan towns: since the Capenates, that is assuredly, not merely individuals who had joined the Romans, had enjoyed for 180 years the full rights of Roman citizens*. Previously they had waged war independently against Rome; and an extremely disfigured and obscure statement from Cato, by which I think I understand that their city was a Veientine colony, and their ancestors a generation bound to emigrate by the vow of a sacred spring[30], is not at variance with the fact of their independence. We have just mentioned Populonia; Fidenæ

329 Dionysius III. 51.

* Livy v. 4.

30 In Servius ad Æn. VII. 697. Hos dicit Cato Veientum condidisse auxilio regis Propertii, qui eos Capenam, cum adolevissent, miserat. There must be a chasm after Veientum; the words dropt may have been, juventutem fuisse, oppidumque.

too certainly never was one of the twelve cities; and Rome itself rose from the dependent condition of a colony. Capena may have been admitted into the place of a lost city: on the other hand it is also possible that, after the time of Herodotus, Cortona, having been conquered and occupied by an Etruscan colony, took the place vacated by Capena on its becoming Roman.

As in this instance every thing is uncertain, so on the contrary we may with greater probability exclude the pretensions of Cossa. Pliny's calling it Cossa of the Volcientes[331], compared with the mention of a people bearing almost the same name, the Volcentes, who are named along with the Lucanians and Hirpinians[32], is a competent ground for conjecturing that the more ancient inhabitants of Cossa were not Etruscans, but had maintained themselves against the Etruscans. It is true, Livy could not mention them on the occasion of Scipio's expedition, even had they been Etruscans; for they had been then long converted into a Latin colony *. The ruins of their walls belong to an earlier age, and far exceed the ordinary size in such a colony: but these prove nothing as to the nation which raised them; for the style of building is not peculiar to the Etruscan towns.

The walls of Fæsulæ, its theatre, and other ruins that have come to light there, exhibit a greatness inferior to that of no other Etruscan city: moreover it seems probable that in this instance too Sylla settled his colony in the centre of a great territory, not by the side of a dependent town: indeed the only ground for its being at all doubtful whether the birthplace of Florence was one of the twelve sovran cities, seems to me to be, that we must then suppose Livy to have overlooked it.

The territory belonging to each of the sovran capitals contained several provincial towns, some of them dependent

331 Cossa Volcientium, Pliny III. 8. In the Fasti Triumphales the name is written Vulcientes.

32 Livy XXVII. 15.

* Livy XXVII. 10.

colonies, others inhabited by subjects, the descendants of the old population that had been subdued. Now because the Etruscan state was founded on conquest, hence arose the multitude of clients attached to the Etruscan nobility, their Penestæ, like the Thessalian[533]: hence the task-labourers, without whom the colossal works of the ruling people could scarcely have been raised. The Roman relation between patron and client was the feudal system in its noblest form: but even supposing that among the Etruscans a similar law of conscience bound the patron and protected the client, still it was on the free plebeian estate that the greatness of Rome rested; and none such, it is evident, existed in any Etruscan city. A single slight allusion might be considered as indicating, that at Tarquinii there was a popular assembly, distinct from the aggregate body of the ruling houses[34]. This trace is certainly not to be overlooked: but who will warrant, that the Roman writer followed by Dionysius in a narrative all the details of which must be a late embellishment, did not transfer to Tarquinii the relations between the Roman curies and assembly of the commons? This is far more probable than that he knew and paid regard to the constitution of Tarquinii[35].

It was not by popular assemblies, nor even by deliberations of a numerous senate, but by meetings of the chiefs of the land, the Magnates, (*principes Etruriæ*) that the general affairs of the nation were decided upon[36]: we must not imagine that the assemblies at the temple of Voltumna were of any other kind, or that they corresponded with the institutions of really free nations, such

[533] Dionysius IX. 5. οἱ δυνατώτατοι τοὺς πενέστας ἐπαγόμενοι.

[34] Dionysius v. 3. πείσας τὰ γένη (so the Vatic. MS.) τῶν Ταρκυνιτῶν, καὶ δι' ἐκείνων ἐπὶ τὴν ἐκκλησίαν παραχθείς.

[35] The same remark applies, and still more strongly, to the mention of the *plebs* at Arretium: Livy x. 5.

[36] Livy x. 16. Postulaverunt Samnites principum Etruriæ concilium. Quo coacto, &c.

as the Latins and Samnites. These Etrurian chiefs were the persons from whom the noble Roman youths received instruction in the sacred sciences of divination[337]; a warlike sacerdotal caste, like the Chaldeans; they were the Lucumones whose ancestors had committed to writing the revelations of Tages[38]. If, like the priests of Tarquinii, they sacrificed captives, and in the garb of infernal spirits hurled snakes and burning torches against the enemy, such fanatics and jugglers might easily cause the name of their caste to be transferred to lunatics and madmen[39]. They were patricians, not kings. Lucumo of Clusium, Lucumo who brought succour to Romulus, Lucumo in fine who removed from Tarquinii to Rome, were only powerful men in their respective cities. The Cilnii, the Cæcinæ, were Lucumones, as the Claudii and Valerii were patricians; they were not less noble than the latter in birth, though as Romans accounted only among the commons.

These ruling houses were exposed to the violent revolutions, which everywhere threaten an oligarchy, even from the midst of its own body, where it is not upheld by some powerful protection from without, open or dissembled. About the middle of the fifth century the Cilnii were expelled from Arretium by force of arms, as in the middle ages the factions of the noble houses in Tuscany banished each other by turns. It was also in the spirit of these unhappy feuds, for the refugees to be restored by the mediation of the public enemy, the Romans[40]: but when the latter had banished the whole race of the Tarquins out of the city, no intercession could mitigate the rigour of the sentence.

Even so late as the second Punic war, the government of the Etruscan cities was exclusively vested in the

[337] Cicero de Divin. I. 41. de legg. II. 9. Val. Maximus I. 1, 2.

[38] Censorinus 4. at the end.

[39] Fest. Epit. v. Lucomones quidam homines ob insaniam dicti.

[40] Livy x. 3. 5.

senators or the nobility. In the south of Italy, where power was everywhere divided between the senate and the people, the sentiments of both orders during that critical period are known: in Etruria, when a ferment began to shew itself, it was entirely suppressed by securing the submission of the senate at Arretium: the people are out of the question[341].

Now from this source, because a free and respectable commonalty was never formed among the Etruscans, but the old feudal system was obstinately retained and extended, arose the remarkable weakness of the great Etruscan cities in the Roman wars, where the victory was determined by a numerous stout infantry. Hence too at Vulsinii the dominion of the serfs; the account of which sounds no less incredible than horrible, nay perfectly impossible, in the meagre writers of doubtful credit who are our historical sources for the period of this strange phenomenon*. If that account were true, neither the time of the Anabaptists, nor a negro insurrection, would have exhibited anything worse: but writers who could persuade themselves that the citizens of Vulsinii, in order to abandon themselves uninterruptedly to all kinds of pleasure, had committed their arms and the government to their slaves, are not to be trusted implicitly as to the horrours said to have been the consequence. Greek authors had fabulously exaggerated the report about a very unusual state of things in an Etruscan city[42]; and Roman writers foolishly adopted their fictions: moreover it was

[341] Livy XXVII. 24.

* Valer. Max. IX. 1. Orosius IV. 5.

[42] The De Mirabilibus, inserted among the works of Aristotle, and written about Ol. 130, in which, as I have elsewhere observed, (p. 16) a great deal is borrowed from Timæus, tells (p. 123, ed. Sylb.) of a Tyrrhenian city Οἰναρέα, which submitted to the government of its slaves: this must undoubtedly be Vulsinii, whether the name have been distorted by the author or the transcribers. Had the supreme power fallen into the hands of emancipated domestic slaves,—to a Greek the Italian clientship could scarcely have any other appearance;—for Thessalians did not write—the case certainly belonged to the class of marvellous stories. But it is historical, and therefore requires a rational interpretation.

necessary to represent those as very criminal, whom Rome had taken up arms to exterminate: and lastly the virulence of party spirit was not without its influence. The marvel disappears, as soon as we perceive that the insurgents can only have been serfs, not domestic slaves[345]. The ruling class at Vulsinii had armed their serfs in the Roman war: with their aid, when deserted by most of the other towns, Vulsinii alone among all the Etruscans had carried on for many years an honorable struggle against Rome, and in a fortunate moment had obtained respectable terms *. For the defenders of the common home to become citizens, was a matter of course: for them to extend their right of citizenship into a right of inheriting from and of intermarrying with the old citizens, and a seat in the senate, was no less so: and the complaints brought against them do not in substance say more than this, when stript of the colouring originally laid on by party hatred, and monstrously overcharged by silly declamation. The serfs on becoming masters may have been guilty of excesses: but what credit for candour can we give to those, who called down destruction on their native city, because they would not allow equal rights to their countrymen? who chose rather that their country should no longer exist than that it should no longer be their property. It was to this national impotence, to this compulsory precipitate liberation of the oppressed, to this general ruin, that the Roman patricians were tending, without knowing in their folly what they did, when they

[345] Neither were they domestic slaves of the Argives, on whom after the disaster in the Hebdoma the desolated city conferred the right of citizenship (Herodot. vi. 83): they were assuredly Gymnetes, the Argive serfs (see the Lexicographers quoted by Ruhnken. on Timaeus v. πενεστικόν). Aristotle mentions Perioeci instead of servants: Polit. v. 3. 133. a. There are numerous traces among the Greeks of an ancient separation between what was afterward the Demus, and the citizens, caused by the bondage of the former in early times: for instance when the Samian demus deprives the aristocrats whom it has overpowered, of the right of intermarriage (Thucyd. viii. 21); clearly enough by way of retaliation and revenge.

* Livy x. 37.

persisted in keeping the commons in servitude, and denying them their equitable rights.

The part taken by the Etruscans in Sylla's war was taken by all: the Roman franchise was enjoyed equally by every free man, however the old but now expiring constitutions excluded or restricted him at home: and from this war we may see the greatness that Etruria would have maintained, if some centuries earlier all Etruscans had had a country.

The regal office, not hereditary in a single heroic family as in Greece, but elective for life like the Roman, continued at Veii until its fall[344]: at Arretium kings may perhaps have been often chosen from among the Cilnii[45]. The twelve cities nominated a common high-priest, who presided at the national festivals[46]: in enterprises of the whole body the supreme command was committed to one of the twelve kings, and he received a lictor from each city[47]. Even Porsenna, highly as the old poems celebrated him, is in Roman history only king of Clusium. Yet he sets the power of the whole nation in action; and in the same manner in which all the twelve cities paid homage to the Lucumo Tarquin, in earlier times a union seems occasionally to have been effected by the power of one supreme chief; as is indicated by the legends of Mezentius and Cæles Vibenna. But from the time when Roman history begins to assume the form of annals, the cities stand insulated; uniting only casually and transiently. Yet loose as was the federal bond in Etruria, it prevented wars between the cities, of which we do not find a single trace.

Such being the nature of their association, the islands subject to the Etruscans, Ilva or Æthalia, and Corsica

344 Livy v. 1. If he had recollected that, only 34 years before, he had spoken of Lar Tolumnius as king of Veii, he would have seen no innovation in this election.

45 Tyrrhena regum progenies.

46 Livy v. 1.

47 Livy I. 8. Dionysius III. 61.

where there was a town of Tuscan colonists, cannot have been under the dominion of the whole nation, but only of the adjacent maritime cities[348]. Accordingly it seems as if the Cærites stood alone, when in league with the Carthaginians they attacked the Phocæans of Alalia[49]. This happened about 220 U. C.: in the year 299 Corsica was subject to the piratical Etruscan states[50], and paid them tribute[51]. In the flourishing time of their maritime dominion they may also have had settlements in Sardinia, since they are mentioned among the ancient inhabitants; unless Pelasgian Tyrrhenians are meant.

The latter, and not the Etruscans, were probably the people, whose piracies rendered the western seas impassable for peaceful navigators, before the founding of Grecian colonies in Sicily[52]: indeed all the corsairs of the lower sea, even the Volscians, seem to have been taken by the Greeks for Tyrrhenians. But even if the Etruscans may have been charged with more than they were guilty of, still they were not the less justly stigmatized and hated as pirates: Agylla (Cære) was alone exempted from the general opprobium[53]. It was assuredly their piracies principally, that compelled the Phocæans to employ gallies in their voyages to Tartessus *. Anaxilaus of Rhegium, about 250, established a station of armed ships near the Scyllæum, to blockade the straits against their corsairs[54]. As Etruria was then at the summit of its greatness, the Tuscans commanded the whole Tyrrhenian sea, and carried on maritime wars with large fleets. In 278

348 Ilva will have belonged to Populonia; and the story that iron could not be smelted in the island (see Varro quoted by Servius ad Æn. x. 174. Strabo v. p. 223. d.) will have arisen from the sovran city, as it is the custom of commercial towns to oppress their provinces, not allowing any founderies on the island.

49 Herod. I. 167. The Etruscans stoned their prisoners: the Cærites were chastised by heaven: can Herodotus have supposed that the Gods visited only the sin of one people, and left others, equally guilty, unpunished?

50 Diodorus XI. 88.

51 Diodorus V. 13.

52 Ephorus in Strabo VI. p. 267. c.

53 Strabo V. p. 220. c.

* Herod. I. 163.

54 Strabo VI. p. 257. a.

Cuma invoked the protection of Hiero king of Syracuse against them[355]: the great defeat which their fleet then sustained, seems to have broken their maritime power, according to the poet's prayer[56]. For in the naval expedition of the Syracusans in the year 299, which conquered Ilva and ravaged the Tuscan coast and Corsica, no Tyrrhenian ships opposed them: Etruria relieved itself from the presence of the Grecian fleet by bribery[57]. Nor did any naval force shew itself in 368, when Dionysius, under the pretext of punishing the corsairs, appeared with only 60 triremes on the coast of Cære and plundered Pyrgi[58]. But in 448 a Tyrrhenian squadron of 18 ships came to the assistance of Agathocles[59]; probably corsairs. For about that time their piracies extended even into the Ægean, where the power of Athens had sunk, and that of Rhodes was only beginning to rise. By the destruction of the Etruscan pirates the Rhodians earned the gratitude of all the Greeks[60]: this meritorious exploit they seem to have achieved in the time between the death of Agathocles and the expedition of Pyrrhus: for from a prince like the former, pirates were sure to find protection at the price of sharing their booty; and the Romans certainly no more tolerated their piracies than those of the Antiates. Indeed it is probable that they were bound by the terms of the peace to deliver up all their ships of war; since at the beginning of the first Punic war it was from Greek cities of southern Italy that Rome obtained her few triremes and fifty-oar gallies[61].

So late as the time of Aristotle treaties were subsisting between the Etruscan maritime cities and Carthage, which, like that with Rome preserved by Polybius, determined the right of commerce, restricted and secured it. If they also contained engagements to give assistance[62], these can

355 Diodorus XI. 51.

56 Pindar Pyth. I. v. 137—141.

57 Diodorus XI. 88.

58 Diodorus XV. 14.

59 Diodorus XX. 61.

60 Æl. Aristides Rhod. II. p. 342. a. ed. Cant.

61 Polybius I. 20.

62 Aristotle Polit. III. 9.

only have been applicable against nations not included in similar alliances; else Carthage would not have preserved for centuries the friendship of Rome. Or perhaps the assistance was confined to sanctioning levies; as in the year 443 the Punic army in Sicily contained a thousand Etruscan mercenaries[363]: so likewise when Pyrrhus was in Sicily, levies were made in Italy for the Carthaginians; but Rome did not send auxiliaries.

A fruitful land, rich in internal treasures, supplied abundant materials for the commercial spirit in Etruria: there was also a time, when it must have been the staple of commerce between the countries on the Mediterranean, the other nations of Italy, and the remotest barbarian tribes; to which a secured high road led across the Alps[64].

We cannot disguise from ourselves that works like the Etruscan, the very ruins of which astonish us, could not be executed in small states without taskmasters and bondmen: but we must not overlook the great superiority of the Etruscan rulers in this respect above the Egyptian. All the works we are acquainted with, enjoined by them, have a great public object: they are not pyramids, obelisks, and temples multiplied without number: if the people suffered in its hard service, it was not for idle purposes[65]. So too and with like compulsory means did Rome build, when governed by Etruscan kings: after she had freed herself, all great works were at a stand, until the republic had grown

363 Diodorus xix. 106.

64 As far as the Iberians. Aristot. Περι θαυμ. ἀκουσμ. p. 102.

65 I grant that no Egyptian expenditure was ever so lavishly wasted, as that laid out on the sepulcre of the mythical Porsenna would have been, if any weight could be allowed to Varro's description, which he took from native books. According to Pliny's expressions (xxxvi. 19. 3, 4.) not a trace of it can have been visible in his time: but such a colossal building must have lasted undamaged even to this day: so that it can be no more than a dream. Besides a building like that described by Varro is certainly impossible, and belongs to the Thousand and One Nights.

rich by its victories and conquests: and when compared with the works of the oldest period and of the Etruscan cities, those of imperial Rome make an inconsiderable figure. The walls of Volterra and other capitals, so far as pains have not been taken to demolish them by hostile force, still subsist in imperishable solidity, composed of gigantic blocks. The theatre at Fiesole, and a colossal building near it, are on an equally grand scale: yet this style is not peculiar to the Etruscans. It prevails in all the monuments of Latium and ancient Rome, from the cell of the temple at Gabii, to the wall around the forum of Augustus: and it is probable on the contrary that the Etruscans derived it from the earlier inhabitants of Etruria.

The greatest part of Tuscany is a hill-country: the rich valley through which the Arno flows, was anciently a lake and swamp. From Signa to below Fiesole and toward Prato stood a lake: the valley was blocked up by mount Gonfalina; this rock has been cut through, and a passage opened for the stream toward Pisa[366]. When the walls of Fiesole were built, this compass was still filled with water; as is proved by the openings for drains[67]. The lake extended over the site where Florence now stands[68]: to carry that city back to the Etruscan period is a notion utterly untenable. But there has also been a cut made near La Incisa, to free the rich fields of the upper Val d'Arno from the water: unless the streams which now form this part of the river, discharged themselves of yore into the Clanis, and the object was to lessen the quantity of water in the Tiber. The marshes crossed by Hannibal are those which have now been drained on the right bank of the Lower Arno: in those days they may have served as a barrier against the Gauls and Ligurians: perhaps they had been

[366] Of this even Giovani Villani was aware: I. 43.

[67] The peasant who guides strangers there, has been led by his plain sense to perceive this.

[68] Hence the dreadful inundations which the city experienced in the middle ages: the ground now is much raised.

drained in an earlier age, and were again abandoned afterward for that purpose to the fury of the waters. On the banks of the Po, in the territory of Hadria, the Etruscans had before been successful in turning off muddy streams of water; which, if they are kept shut in between dams, are continually raising their bed, so that in the course of centuries it reaches a level far above that of the adjoining country, and it therefore becomes necessary to raise the dykes in the same proportion, until the perseverance of man is exhausted at last in the unequal contest with the force of nature. Now one among the noble arts of peace practised by the Tuscans in our days, consists in diverting such waters into marshes, in order to draw them off again, when the fertilizing deposit has been secreted: by this system the Chiana has been gradually converted from a barren pestilential swamp into a rich plain. Where a Delta however has begun to form itself, in the Po, as in the Nile and the Missisippi, standing waters collect between the arms, and the mouths are protruded into the sea; and the further the mouths advance and diverge from each other, the broader and deeper are the lakes and inland seas made by these waters. It is with reference to the overlaying of swamps like the Chiana, a process which at the same time checks the elevation of the bed of the river, that we must understand Pliny's account of the Tuscans guiding the stream of the Po into the morasses of the Hadrians[369]: similar works are now needed in the same district. The arms too by which the Po discharges itself, were also dug or directed by the Tuscans; its Delta was the fruit of their labours, being shaped by means of canals and dams. Another art of gaining land was practised by them, in letting off lakes that had arisen in the craters of extinct volcanoes, by tunnels cut through the sides of the hill. In the territory of Perugia and the Suburbicarian Tuscia

[369] Pliny III. 20. Omnia ea flumina fossasque primi—fecere Thusci: egesto amnis impetu per transversum in Atrianorum paludes.

there are traces of many such lakes, which are completely dried up; the tunnels are unknown and never cleared out, but still work.

The renown of a nation excelling in the arts is become so peculiar to the Etruscans, that a favorable reception cannot be expected for the conjecture, that the works of art in bronze and clay and the bas-reliefs attributed to them, are the produce, not of the ruling people, but of their subject bondmen, and that the Etruscans properly so called were no more given to the arts than the Romans. Yet I believe that the striking difference between Tarquinii and Arretium in their works of art, corresponds to the different origin of the earlier inhabitants in northern and southern Tuscany. Volaterræ was led by its stone-quarries to the works peculiar to it. But the two former cities wrought in clay: Arretium made red vases, with very elegant figures in relief, of a taste perfectly peculiar[370]: those of Tarquinii were painted, and in colour and drawing completely resemble some discovered near Corinth, of which we have engravings in Dodwell, and differ from the Campanian in all the peculiarities in which the Greek do. These are found only in the district of Tarquinii, and where they occur, those of Arretium are never met with. This manifest resemblance to the Corinthian vases reminds us of the story of Demaratus, who was accompanied by the potters Euchir and Eugrammus[71]; which is clearly designed to express that Tarquinii derived from Greece her skill in handling clay, and her elegant drawing on her vases. This implies a peculiar intercourse, like that which in the neighbouring Agylla, a city unquestionably of Pelasgic origin, continued even under the dominion of the Etruscans: as is demonstrated by the Agyllæan treasury at Delphi, and by the practice of consulting that oracle: in a place where the Etruscan divination was not

370 Similar works were still executed in the time of Augustus, when the art of making the Campanian vases was utterly lost.

71 Fictores. Pliny H. N. xxxv. 43.

deemed sufficient, the foreign inhabitants must have been of importance.

The earliest Etruscan statues were of clay: the four-horsed chariot on the Capitoline temple is said to have been set up at the time of its dedication. But the statues belonging to the earliest ages of Rome, several of which were preserved down to late times, were probably uniformly of bronze[372]: and this is the material of all the master-pieces that shed lustre on Etruscan art.

To deny that this art received its refinement from the Greeks, is a very idle attempt. Works of primitive antiquity attest its original rudeness; and to the Greeks alone was the idea revealed, which fashions the human body at once into life and into beauty. From their genius proceeded the spark, which has kindled susceptible natures in every susceptible people. Hence the subjects of many among the most beautiful Etruscan works of art belong to Grecian mythology: but when once enlightened, the Etruscans certainly treated their own conceptions in the spirit of Greeks. One thing striking, as though it were a national characteristic, is the correctness of the drawing, without any regard to grace, in many of the Etruscan representations; nay their exact resemblance to Tuscan works of the middle ages, when art was beginning to revive[73].

Even supposing that the artist who executed the she-wolf of the Capitol, was not an Etruscan, still in this work, to which there is nothing similar among the Greek, we clearly see what Etruscan art must have been about the middle of the fifth century. The finest gems are probably not more recent: everything that is tamer, more

[372] The marble works in the oldest style, whether statues or bas-reliefs, which are called Etruscan, are probably all Grecian: the quarry at Luna was not worked till very late. As long as bronze was not too dear, casting must have been preferred to the far more difficult process of carving.

[73] On this subject Micali's work is exceedingly valuable. The reader may look there at the engravings of Etruscan bas-reliefs, particularly for the physiognomies at pl. 28. The idea of pl. 23, which is unlike any thing Greek, and the execution, are magnificent: the genius of death in pl. 44 is a perfect cherub.

delicate, and softer, belongs to a later, in part to a much later period. In the two centuries between the time when the relation of Etruria to Rome was decided, and that of Sylla, the arts must have been very flourishing: the people lived in profound peace and great wealth: the prosperity of the country was only disturbed by two storms which passed rapidly over; in one campaign of the Cisalpine, and in the second of Hannibal's war.

A national heroic story was wanting to Etruscan art; it too sought for its subjects in Greek mythology: so that the legends of Thebes and Ilium must have been familiar to the people. That Greek poems were read even in Etruria is not to be questioned: the West and Carthage itself were open to Greek literature; it was not the obscure Inycum of the Sicanians alone, that enriched Grecian sophists[374]; and in earlier times Rhapsodists would surely be still more welcome. When Greek was read at Rome, this would certainly be yet more the case amid the quiet of Etruria. But the Greek stories were not listened to only in a foreign language: the works of art are not unfrequently inscribed with the names of the heroes, adapted however to the forms of the Etruscan language; and this proves unequivocally that they lived in the speech of the nation, and in poems in the native tongue. Varro mentions also Tuscan tragedies of one Volnius, who, from the way in which he speaks of him, seems to have lived not long before[75]: these tragedies might have been an experiment foreign to the nation: but on the other hand the theatre at Fæsulæ is evidence that Greek dramas, either originals or translations, were performed there, as they were in Latium at Tusculum and Bovillæ: otherwise the construction of a building in this Grecian form would be unaccountable. Nor can it be doubted that this

374 Plato Hipp. p. 282. e.

75 Varro de l. L. iv. 9. p. 17. ed. Bip. Ut Volnius dicebat qui tragœdias Tuscas scripsit. Volnius is the reading of the Florentine MS. Volumnius, as the editions have it, is one of the corruptions introduced by Pomponius Lætus.

theatre is earlier than Sylla: its size and magnificence far surpass the scale of a Roman military colony; and how could this have wished for anything but an amphitheatre? There seems besides to be very good ground for the Florentine tradition, that Sylla's colony built Florence, and did not settle on the hill. However in no Etruscan inscription do we find anything bearing the slightest resemblance to Greek rhythms, which could not have been concealed even in a totally unintelligible language; nor indeed anything at all like verse. The town from which the Fescennine musical dialogue took its name, was a Faliscan, not an Etruscan town [376].

The music of the Romans was derived from Etruria: their scenic singers also came thence. As among the Germans in former times, the Etruscan *hister* danced and sang to instrumental music, of which the time served as an equivalent for verse, instead of measured syllabic rhythms: stringed instruments appear here and there in the monuments; but the proper native instrument was the flute.

The Etruscan characters were formed, like the Greek, from that one among the various Asiatic alphabets of different origin, whence all the modes of writing in use throughout Europe are derived. That Etruria received it immediately from the Phœnicians, would not be proved by the direction from right to left: but the omitting the short vowels, and the practice of noting doubled consonants by a single letter, as in all the Aramaic systems of writing, are purely Punic: so is the want of the vowel O; although nothing can be decisively determined from this as to the pronunciation, in which it is not wanting to the Semitic languages.

But the Phœnicians designated numbers by letters: not so the Etruscans. What we call Roman numerals, are Etruscan; and they occur frequently on their monuments: the remnants of a hieroglyphical art of writing which was in use before the age of the alphabetical, like the Aztecan

[376] Virgil Æn. VII. 695.

numerals, they represent some object that was connected with a particular number. They are indigenous, and belong to the time when the West subsisted in its original peculiarities, before it received any influence from Asia; to the time, when the Turdetanians were forming their alphabet and their literature[377].

The profane sciences of Etruria likewise, their medicine, physics, and astronomy, were borrowed neither from the Greeks nor the Carthaginians: perhaps the nation brought them with it from the north, the seat of their gods[78]. Here we find the same extraordinary phenomenon, which strikes us with astonishment in the new world; an extremely accurate method of determining time; and this too, with respect to the cyclical year, on the very same principles that were observed by the framers of the old Mexican computation: portions of time were measured, without regard to the lunar phenomena, out of very long periods fixed with astronomical precision: but among the Etruscans there was also a civil lunar year, for which the cyclical served only as a correction.

Their history, like that of the Bramins and Chaldeans, was inserted in an astronomico-theological outline which included the whole of time: it taught, that eight secular days were assigned to the human race of the present creation; each day to a fresh people; and that during the continuance of one people the lot of prophecy was to be honour, during that of another, degradation[79]. The Etruscan week was of eight days; and as it is highly probable that each secular day, like that of the Etruscans themselves[80], contained ten secles or 1100 years, 8800 years made a secular week. The next unit immediately above the week was the year, of 38 weeks or 304 days. Thus a secular year would number 334400 years; and it

[377] Strabo III. p. 139. c. Only they were not six thousand years old. For νόμους ἐμμέτρους ἑξακισχιλίων ἐτῶν, which would not even be Greek, we must read ν. ἐ. ἑ. ἐπῶν. Beside these they had histories and poems.

[78] Festus v. sinistræ aves. [79] Plutarch Sylla. c. 7. p. 456. a.

[80] Varro in Censorinus, 17.

may be conjectured that this period was assumed for the duration of the universe; unless they went on to secular secles. According to their religion, the life even of the highest gods had a fixed limit and end[381], as in the northern theology: such a secular year then was probably the term assigned to the life of the gods, as the natural secle was to the life of man, the secular day to that of nations, the secular week to that of one human race. They taught, as we know historically, that the expiration of each secular day was announced by wonders and signs intelligible to them[82]; and also the close of every natural secle, ten of which composed a great day: the signs which had announced each of these epochs, were recorded in their history. This, according to Varro[83], was written in the eighth secle of the nation. A natural secle was the duration of the longest life: the first was ended by the death of the longest liver among all who were born on the day a state was founded; the second lasted until none was left of all who were living in the state at the close of the first; and so on. The first seven secles of the Etruscans amounted to 781 years: but the sum total of years in the ten variable secles was equal to that in the fixed, each of which contained 110.

In the year 666 U. C. the aruspices announced that the secular day of the Etruscan people was drawing to a close[84]: and if we assume, what must surely be granted, that they did this in consonance to their writings, then the Etruscan computation of time began 434 years before Rome, the eighth secle in the year 347, and the annals mentioned by Varro were written about the end of the fourth century U. C. The epoch 666 answers with singular exactness to that at which the nation

381 Varro in Arnobius quoted by Micali II. p. 46.

82 Plutarch Sylla. c. 7. p. 456. a. It was in this sense that the aruspex Volcatius saw in the comet which appeared after the death of the dictator Cæsar, the sign that announced the end of the ninth secle (Servius ad Ecl. IX. 47. cited by Voss on Ecl. IV. 5.); although this referred to Rome, not to Etruria.

83 In Censorinus 17.

84 Plutarch Sylla. c. 7. p. 456. a.

actually ceased to exist: it had become Roman a short time before, and was almost exterminated eight years afterward by Sylla.

A free stirring of the intellect in poetry and science could never arise among a people whose pride and study lay in divination and ritual worship. It was from them that the Romans had borrowed the most important part of the science which conjectures the will of the gods from signs: they alone saw through the meaning of terrific prodigies, and knew how to appease the wrath of the celestial powers. The pure and infallible source of this learning seemed to continue the national property of the Etruscans, ever since the time when Tages rose out of the ground and taught them; a wise subterraneous dwarf, such as occurs in the mythology of the ancient Germans.

The East read destiny in the stars, Etruria and Greece in the entrails of victims: in expounding the flight of birds, if the Etruscans did not neglect it altogether, the Sabellians were greater masters. But the peculiar secret of the Etruscans was the interpretation of lightning: this, and all the branches of their aruspicy, were taught in sacerdotal schools[385]: they were also laid down however in the sacred books which recorded the oral instructions of Tages.

In the East and in Italy the soothsayer was a tyrant, and the aider of the ruling powers; he always tried to keep the people in chains. The stirring spirit of the Greeks soon eased itself of this yoke; although they were willing to believe that the soul possessed secret faculties which often enabled it to catch a glimpse of the future by means of forebodings and dreams. The nobler hero of the Iliad despises omens, at the call to defend his country: for the Romans, the yoke of a degrading superstition, which was tyrannically abused by the aristocracy, was only broken by the incredulity taught by the Calabrian Greek Ennius, which became familiar as morals declined. Such is the

[385] See above p. 100. n. 337.

concatenation of human affairs, that, as something bad grows to the best of things and causes them to decay inwardly, the extirpation of this actually existing evil may console us, when that decayed excellence, and along with it many pleasing recollections and illusions, are done away with: every ill has some good at its side.

The contents of the ritual books were of a different nature: like the Mosaical, they prescribed, under the form of divine law, the civil polity; the course to be observed in founding and building a city, in establishing and consecrating sacred and inviolable edifices and places; the constitution of the curies, tribes, and centuries[386]; and in general all regulations relative to war and peace[87]. Rome too originally obeyed these laws; it relaxed their ties, without casting them aside; and the anxiety never to abolish them, but to leave subsisting in appearance what in reality had lost its meaning, was a result of their original sanctity. Those books were undoubtedly the fundamental text of the pontifical law: not however exclusively so: the institutions in which the preliminary step was to draw the limits of a temple for auguries, such as the fundamental law for measuring land and for marking out a camp, were more probably grounded on Sabine religious books.

The badges of the supreme magistracy, according to the well known tradition, were adopted by the kings of Rome from the Etruscans: the Capitoline temple was Etruscan, in the union of the gods to whom it was dedicated, no less than in its architecture: and down to the middle of the fifth century the Roman youths of rank were instructed in the Etruscan language and literature, as they were subsequently in the Greek[88]: this veneration afterward

[386] Such is the expression of Festus: whatever that writer, who often misunderstands what is ancient, may have meant by it, these books undoubtedly related only to the primitive constitution, in which the centuries contained the equestrian houses. This constitution was unalterable: that of Servius Tullius might be altered, like every ordinary one, and was so.

[87] Festus v. rituales.

[88] Livy IX. 36.

shifted round into contempt for the old-fashioned lore, and forgetfulness of its existence.

Tuscany produces in abundance all the necessaries of life, and the Etruscans were willing to enjoy the gifts of nature: the northern custom that prevailed among them, of feasting twice a day at well loaded boards, surprised and scandalized the Greeks, whose bodies were satisfied with the lightest nourishment. Posidonius described the way of living in Etruria, such as it was before the war of Sylla: the Asiatic luxury of embroidered carpets, silver plate, trains of richly clad beautiful slaves[389], shews how favorable its relations to Rome had been to the prosperity of the country: within a few years all these riches were the booty of soldiers, and the towns with their territories were parcelled out among the legions.

We may join the modern Italians in altogether rejecting the account of Theopompus as to the shameless profligacy of the Etruscans*: his credulity, his fondness for relating what is scandalous, were well known to the ancients. Even if his statement could be partially supported by the fact, that some powerful lords, secure of impunity, had abandoned themselves to horrible licentiousness, like that which became the fashion at Rome under the emperors, still the charge cannot have affected the nation in general. But that there should have existed even among the most corrupt nobles associations for orgies such as Theopompus describes; such as have been found in the Society islands; is the more improbable, because, as others have already observed, Etruscan works of art never contain licentious representations.

Etruria had reached the summit of its greatness toward the end of the third century of Rome. In the next, the Campanian cities were lost, with the whole country beyond the Apennines, Veii, and Capena: a great

389 Diodorus v. 40. Athenæus IV. 153. d.

* Athenæus XII. p. 517.

part of the fifth century passed in an irresolute struggle, which Vulsinii alone carried on with warlike perseverance, against the prevailing star of Rome. After this the nation enjoyed two centuries of inglorious repose: even during the second Punic war its prosperity was so far restored, that Arretium by itself was able to support Scipio's African expedition with arms and corn for a whole army, and with pay for the crew of a fleet: and in this state of ease the Roman franchise, which bound those who shared it to the performance of hard duties, did not excite their wishes. When they had received it however, the Marsians and Samnites did not shew themselves more persevering than the Etruscans in maintaining its full honour: but fortune was not just to them: she committed a further wrong, in letting the story of their heroic resistance to Sylla be totally lost.

The UMBRIANS.

According to the numerous forms of the Italian national names, the Umbri must also have been called Umbrici: this the Greeks pronounced Ombrici, and saw therein an allusion to their great antiquity. The name was supposed to indicate that they existed even before the rain-floods, which, according to the creed of the Grecian sages also, had in many countries destroyed earlier races of men. This trifling was probably never meant seriously: but it is certain that the Umbrians were a great nation, before the Etruscans, in the time of the Oenotrians, and that they deserve to be called a most ancient genuine people of Italy [390]. Their city Ameria was built according to Cato [91] 964 years before the war with Perseus, or 381 years before Rome. It is certain too that in ancient times they inhabited a very extensive country; probably, as has been said already, beside what continued to be known as Umbria, the south of Etruria; and, according to definite Roman traditions, the district occupied by the Sabines between the Apennines and the Tiber. On the north-east of the Apennines toward the upper sea and the Po they are said to have spread as conquerors, to have expelled Liburnians and Siculians from the coast, and to have maintained an obstinate contest with the Etruscans for the territory on the lower Po.

390 Antiquissima gens Italiæ: as the Æquians too are called, by way of contrast to the invading Etruscans, the mixed Latins, the Samnites and Lucanians who owed their origin to emigration and conquest, and so on.

91 Pliny H. N. III. 19.

History finds the Umbrians restricted to the left bank of the Tiber; with some scattered towns on the coast and near the Po, preserved to them partly, as Ravenna was, by the marshes around them, partly by paying tribute to the Gauls. The Ombrica of the Greeks, bordering on the obscure regions at the extremity of the Adriatic, has a large and indefinite extent. In Herodotus it reaches to the foot of the Alps: for it is from the country above the Ombricans that the rivers Carpis and Alpis, one of which may certainly be the Inn, flow into the Ister[392]. Scylax, who contracts its northern boundary, assigns Picenum to it[93]: the earlier geography of the poets undoubtedly extended it as far as mount Garganus or Drion. For the Diomedean islands lie to the west of that promontory; and Scylax is certainly following some poet, when he ascribes to the Ombricans the worship of Tydides, which later Greeks fancied they found among the Daunians; although, according to the correct geography of his time, he assigns the coast between the Umbrians and the Apulians to the Sabellians.

For us the Umbrians are a great name that has died away. When a portion of the Gauls settled on their coast, they seem along with these rich countries to have lost their independence also. Exposed toward the north, on which side Tuscany is sheltered by the Apennines, Umbria within its narrowed limits is in all probability one of the adjacent countries which the Gauls are said to have reduced under their dominion[94]: it was their military road, so long as they made expeditions into Latium. A single battle subjected the Umbrian tribes to the Romans in the first war: they were afterward induced or compelled to take a part in those of more powerful nations against Rome; but they did not hold out long.

The Umbrians consisted of separate races[95], some of which inhabited towns[96], others rural cantons[97]. The

[392] Herodotus IV. 49.

[93] p. 6. For he places Ancona in Ombrica.

[94] Polybius II. 18.

[95] Livy XXVIII. 45. Umbriæ populi.

[96] Livy IX. 41. Plaga.

[97] Livy XXXI. 2. Tribus.

Camertes embraced the friendship of the Romans, before the latter crossed the Umbrian borders, and preserved it: the Sarsinates are even mentioned by Polybius as a peculiar people together with the Umbrians[398], and Rome celebrated two triumphs over them alone.

The Romans in the fifth century employed an envoy acquainted with the Etruscan tongue[99], to treat with the Umbrians: yet on the Iguvine tables the language which passes, and probably with good reason, for Umbrian, is totally different from the Etruscan. It is unintelligible to us, although it contains a number of words which, if not Latin, seem cognate to Latin; and if the conjecture I shall communicate further on, as to the stock of the Umbrians, is well founded, it could not fail to contain such. The circumstance that the Sarsinate Plautus wrote Latin in so masterly a style, seems also to suggest the conjecture that the language of his countrymen, like the Oscan spoken by Nævius, bore an affinity to the Latin.

The characters on the coins are Etruscan; on the tables Latin.

398 Polybius II. 24.

99 Livy IX. 36.

IAPYGIA.

Iapygia comprehended the South-east of Italy; according to the more ancient writers, from Metapontum, or, including that city, from the Siris[400], to mount Garganus, or, as the Greeks call it, mount Drion; where it is probable that, in their early geography, Ombrica immediately began. Even Polybius in his time, when enumerating the Italian forces, includes the Iapygians and Messapians under one head. It does not indeed anywhere appear that the Romans gave such an extent to Apulia: yet it certainly seems clear that Iapyx and Apulus are the same name[1].

In this large country the Greeks distinguished three tribes, the Messapians, Peucetians, and Daunians: the first on the peninsula to the east of Tarentum; the Peucetians to the north of them along the coast from Brundusium to Barium; hence as far as mount Garganus the Daunians. The first about the beginning of the fourth century were enemies of the Tarentines, the two latter tribes their allies. The Messapians however are divided, at least by Strabo, into two tribes, the Sallentines and the Calabrians; the former in Leuternia, on the eastern coast of the Tarentine gulph; the Calabrians from the Iapygian promontory

400 Scylax, p. 5.

1 A good Roman writer will never say Iapygia instead of Apulia: as little will a good Greek writer say the reverse. Diodorus, who in expression as well as in other respects is extremely careless, mentions Ἀπουλία xix. 10, in relating the Roman events of the year, where he may have had Fabius before him: but it is remarkable that in the history of the younger Dionysius, xvi. 5, he commits the same offense against the Greek mode of speaking. Are we to suppose that Timæus also wrote in this way?

northward, on the Adriatic[402]. The *Fasti* likewise distinguish the Messapians and Sallentines, as tribes over which a triumph was celebrated at the same time in the year 487: and here the simplest explanation is, to suppose that the former name, though common to the nation, refers to the Calabrians only; as that of Ausonians came to be confined to a single tribe, a part of the whole people. An ancient and important statement, which, though extremely corrupted and disjointed, has been restored by a perfectly certain correction[3], informs us that there were five tongues in Iapygia: two of these are clear, the Opicans or Apulians, and the Peucetians: two may be recognized after an easy emendation, the Leuternians and Brentesians, corresponding to Strabo's Sallentines and Calabrians: the name of the people to whom the fifth tongue is attributed, the Cramonians, may perhaps be written correctly, and only their memory have been lost to us: at all events Scylax, who extends Iapygia so far to the south-west, seems to have meant a people between Heraclea and Tarentum, a remnant of the Chonian Oenotrians.

As to the Messapians, it was a very general opinion, which sounds indeed exceedingly strange, that they were Cretans. According to the earlier tradition their ancestors were Eteocretans, contemporaries of Minos, cast on that coast after the unfortunate expedition to Sicania: whether they had accompanied their king[4]; or, as another tradition related, he had gone alone in quest of Dædalus

[402] Strabo VI. p. 277. d. 281. c. d.

[3] By James Gronovius, who seldom made so successful a conjecture. It has been shewn above, p. 74. n. 255, that in Scylax, p. 5, Σαυνῖται must be read instead of Δαυνῖται. But the sentence ἐν δὲ τούτῳ—Πευκετιεῖς must also be removed from the place into which it has been thrust, where it separates the addition διήκοντες ἀπὸ τοῦ Τυῤῥ. πελ. ε. τ. Αδρ. from the mention of the Samnites in a manner that disturbs the sense, and must be inserted in the former section about Iapygia, after ϛ νυκτῶν, before ἐν δὲ τῇ Ἰαπ. Still γλῶσσαι is very strange, and yet more so the synonym στόματα.

[4] Strabo VI. p. 279. a. 282. b.

long hostile to the Tarentines: and hence a prince of their nation was on friendly terms with the Athenians even before the expedition to Sicily[416]. Thenceforward the Grecian city continued to rise, and the Messapians are no longer its rivals: indeed after the middle of the fifth century they seem to have placed themselves under its protection by an alliance that recognized their inferiority.

Peucetius is called by the earliest Greek genealogists a brother of Oenotrus, and his people a colony which he led out of Arcadia[17]: that is to say, after the manner of such national pedigrees, they meant to account the Peucetians among those old Pelasgic tribes, the posterity of the first men Pelasgus and Aizeus, which were said to have issued from Arcadia. According to Pliny[18] the Pœdiculians—such was the Italian name of the Peucetians[19]—were descended from nine Illyrian couples.

A genealogy by the Pergamene poet Nicander[20], as to which however we cannot know whether he took it from an earlier list of the Lycaonidæ that is now lost, makes the two brothers of Peucetius, Iapyx and Daunus, accompany him across the Ionian sea with an army, chiefly of Illyrians[21]. Another notice, which like every thing of the same kind is from a Greek source, makes Daunus come out of Illyria[22]. Now if these views are derived from ancient poets and traditions, it is more than probable that they spoke not of Illyrians, but of Liburnians; who, as has been observed, inhabited Picenum on the Italian coast, and Corcyra on the opposite side *.

Further traces of the early settlers in the south-east of Italy are afforded by the names, Argyrippa and Sipontum: Argos, like Larissa, is certainly the name of a Pelasgic city. The legend of Diomedes having landed

416 Thucydides VII. 33. 17 See p. 21. n. 47. 18 H. N. III. 16.

19 The simpler forms, Pœdi and Pœdici, have not been preserved in books.

20 Who, I remark by the way, belongs to the first half of the sixth century U. C., not to the beginning of the next.

21 Antoninus Liberalis fab. 31. 22 Fest. Epit. v. Daunia.

* Above, pp. 40, 41.

there was indigenous, as the coins of Arpi prove beyond a doubt: and although here too no historical inference can be drawn from such a legend, still in this case also we may apply the general probability, that the Argive settlements reported to have been founded at the time of the return from Troy, were of Pelasgic origin. No Hellenic people, so far as we know, approached nearer to the Pelasgians than the Ætolians did: and the relics of the Calydonian boar, the mention of Diomedes as an Ætolian prince[423], only designate an Ætolian colony. The kingdom of the son of Tydeus is said to have reached as far as Maluentum, where the boar's head was still shewn in the days of Procopius[*]; and Maluentum must have derived its name from Greeks or Pelasgians[24].

But we are by no means at liberty to conclude from this, that the Opicans who are said to have possessed the country about Beneventum before the Sabellians, were these Pelasgians: they were only the earlier conquerors: everything indicates to what remote times, compared with the short span of our historical information, the breaking up of the Pelasgian power in Italy belongs. I account the Daunians indeed, like the Tyrrhenians and Oenotrians, among the Pelasgians: and to find Daunus called the father of Turnus, is a significant trace in national genealogy: but this applies to times anterior to those when they appear in history as a part of the Apulians, and when, as Strabo observes, no difference in language and habits was discernible between them and the genuine Apulians[25]. These genuine Apulians of Strabo dwelt to the west of mount Garganus, around the bay in front of which lie the Diomedean islands[26]: they are the Teanian Apulians of Pliny[27], who distinguishes three

423 The more so, as the legend makes him disappear, and therefore lays no stress on him individually. Strabo VI. p. 284. a.

* De Bello Gothico I. 15. p. 349.

24 P. 39. n. 127.

25 Strabo VI. p. 285. c.

26 Strabo VI. p. 285. c. and p. 283. c.

27 For here stood Teanum Apulum.

Apulian tribes, the Teanians, the Daunians, and the Lucanians[428]: the last name, as belonging to inhabitants of Apulia, is inexplicable. Now if I am permitted to exert that boldness of divination, without which, liable as it is to abuse, all researches into the earlier history of nations must be abandoned, I will propose the hypothesis, that those original Apulians were Opicans in name and descent, who subjugated the Daunians; and that the legends about Diomedes, and everything bearing a Greek character in art and manners, continued to subsist under their government, as similar traces did at Falerii and Cære. Assuming the correctness of a circumstance which we find related, it seems inevitable to suppose that there was an Oscan intermixture in the case of the Peucetians also: for the names of the two Peucetians who designed to poison Cleonymus, Gaius and Paulus[29], are completely Italian.

The Peucetians contained thirteen tribes[30]. They had a king so late as the beginning of the Peloponnesian war[31]. Afterward history is entirely silent with regard to them, until about 458, Ol. 120. 4, when Agathocles entered into a league with the Peucetians and Iapygians, and promoted their piracies on the Adriatic[32]: so that at that time they were independent of Rome. Yet Roman armies had already entered the land of the Sallentines; with hostile purposes in 447; in 452 to give protection against Cleonymus: in neither expedition, any more than in the war against Pyrrhus, or afterward when the Messapians and Sallentines were subdued, is the name of the Pœdiculians

[428] Pliny H. N. III. 16. Amnis Cerbalus Dauniorum finis: (if so, mount Garganus would have been situated wholly out of Daunia) Ita Apulorum genera tria: Teani—Lucani—Dauniorum præter supradicta &c.

[29] In the treatise περι θαυμ. ακουσμ. p. 100. a. That these two names should occur together, would be a very singular stroke of chance. Sylburgius observes that in the old translation Paulus is wanting: did a theologian strike it out? or did a lawyer substitute it from conjecture for one of a different form?

[30] Pliny H. N. III. 16.

[31] Strabo VI. p. 281. a.

[32] Diodorus Exc. XXI. 4.

mentioned; although the Roman generals must needs have taken the road through their country.

Daunia also was governed by a king, when it joined Tarentum in the war against the Messapians. The Romans found it divided under the sovranty of a few great cities: and the discord among these explains the otherwise incomprehensible accounts of the relations between what is represented as the whole nation and the Romans. Arpi was the most powerful city, and its state must have been of considerable extent; since, on account of the insurrection in the second Punic war, the territory of Sipontum was forfeited to Rome as public land of Arpi[433]. But Canusium also had been great, as her walls, no less than those of Arpi, still attested in the time of Strabo.

An inscription which has been published as Messapian, is nothing but one in old Greek[34], carelessly copied by a person totally ignorant of the language. That on all the coins throughout Iapygia is Greek: which was also spoken by the nation, the language of its ancestors having given way for the most part, as in Sicily, to the superior. The inhabitants of Canusium, like the Bruttians, spoke Greek together with the old dialect of the country[35]. The Apulian works of art, like all in this part of Italy, have a Greek, but yet a peculiar character: the earthen vessels are a less beautiful sort both in their shape and their paintings: bronze works have been found of extraordinary beauty.

[433] Livy xxxiv. 45.

[34] Lanzi, who gives it II. p. 620, has remarked this.

[35] Horace, Sat. I. 10. 30.

The GREEKS in ITALY.

As Idomeneus and Diomedes, so Philoctetes, Epeus, and some of the descendants of Neleus, were brought over to Italy, with Greek warriors and Trojan captives, by other legends, which appropriated and interpreted a variety of relics and monuments. But from none of these pretended settlements did any Grecian people arise; these Greeks must have been metamorphosed and have vanished, like the companions of Diomedes[436].

The most ancient settlement which acknowledges them, is the Chalcidian at Cuma; originally planted on Ischia and the adjacent small islands[37]. The Alexandrian chronologers assigned it to times of vast antiquity; undoubtedly merely for the sake of connecting its founders with heroic genealogies. For where they were destitute of positive statements, like those as to the time at which the Greek cities in Sicily were founded, they had recourse to computing by generations, which pushed the earliest epochs much too far back. With regard to Cuma they found no era; because that city had long ceased to be Grecian: and if they tried to date its foundation from references to genealogies, then, contrary to all credibility, it came out long anterior to that of the earliest among the less remote Grecian colonies. That the leaders of the emigrants who settled there, bent their course over unexplored waters, is intimated by the legend, that their ships were preceded and guided in the daytime by a dove, at night by the chime of the mystic bronze: but even from

[436] Quotations, which to have any value should be very numerous, seem to me out of place in this section, with very few exceptions.

[37] Thus Livy (VIII. 22) evidently distinguished the Pithecusæ from Ænaria.

the eastern coast of Sicily, the first settlement on Ischia would still have been a bold adventure. The remote age attributed to Cuma is certainly a fiction; but the epoch of its foundation cannot be at all determined.

Dicæarchia, on the hill above Pozzuoli, was a fortified seaport of the Cumæans: if the Samians settled there in the first years of king Darius[438], they certainly did not find the spot uninhabited; but they might be very welcome to the Cumæans in the pressure of the Etruscan war. Parthenope too was founded by colonists from Cuma.

A body of Eretrians established themselves on the deserted Pithecusæ; and from them proceeded the settlers at Neapolis, the name of which shews that it was a far more recent city than Parthenope: the share the Athenians took therein, gives some probability to the conjecture that its foundation was nearly contemporaneous with that of Thurii.

Rhegium was a colony planted by the Cumæans in common with the Siceliot Chalcidians, for the sake of commanding the Faro: thence Micythus proceeded to found the latest of the Chalcidian cities, Pyxus, in the territory of Sybaris, which was then unoccupied.

In Oenotria the most ancient Grecian city was Locri: if there is ground for the tradition that the settlers of Syracuse and Locri mutually aided each other[39], and if the foundation of the former really took place thirty years before that of Croton[40]. From an origin so low, indeed so scandalous, that Aristotle's simple account of the tradition roused the malice of Timæus even to frenzy, the Italian Locrians rose by means of their lawgiver Zaleucus to great respectability; and to such prosperity and power, as to found Hipponium and Medma on

[438] Ol. 64. 4: according to the Chronicle of Eusebius. Perhaps it was somewhat later, after the death of Polycrates.

[39] Strabo VI. p. 259. b. 270. a.

[40] Which is contrary to the legend (Strabo VI. p. 269. c.) that the god gave Archias and Myscellus their choice between health and riches.

the other coast; so that they were masters of the whole country between the two seas, as far as the borders of Rhegium.

The tale about the condition of the original Locrians, and of the colony which Phalanthus is said to have settled at Tarentum in Ol. 18. 1, as well as the tradition about the followers of Theras, lead us to suspect, that at that time the issue of marriages contracted where no right of intermarriage existed between the parties, were in several places shaking the peace of the aristocratical republics, and that endeavours were used to send them to a distance. No reflecting person can believe the account of the origin of the Parthenians literally: it would be no less inconsiderate to reject it as an utterly groundless fabrication.

Tarentum possessed the rights of a mother city over Heraclea, and had at least an equal share in the settlement: in Messapia Callipolis was probably not unconnected with it; nor Hydrus, if this was really a Hellenic town*.

The Achæan cities, Sybaris and Croton, are said to have been built contemporaneously, in Ol. 19. 2[441]. The former, mistress of what was afterward Lucania, founded Posidonia and Laos: the latter, possessing the northern part of Bruttium, founded Caulon toward Locri, and on the western coast Terina. Other Achæans invited by the Sybarites founded Metapontum, which by the industrious cultivation of its luxuriantly fertile territory attained to extraordinary wealth: these three capitals of Achæan extraction, and probably their four colonies, were long united in a league upon the principle of that which existed among the Achæans†.

The Phocæans who fled from Cyrus, built Elea, when Sybaris was at the highth of its power, on a coast where they could not have settled without the permission of the Sybarites. Elea is remarkable, not for any wars,

441 According to Eusebius. But with regard to all these dates there are contradictory statements, between which we must rather choose than decide.

* Scylax p. 5.

† Polybius. II. 39.

but for its profound thinkers, and for the peculiar blessing of preserving its independence, when the other Greek cities of this coast fell under the power of the Lucanians. It was the only one that maintained itself between Neapolis and Rhegium: the Romans respected it; and the last mention we find of it is a pleasing one, as the birthplace of the ingenious Statius. Other earlier fugitives from Ionia, the Colophonians of Siris, seem to have lived in prosperity while under the protection of Sybaris, and to have been destroyed after the fall of their protectress.

Thurii, a common settlement made by the whole Greek nation, a city highly respected, and of great power, though it did not replace Sybaris, is the latest Greek colony on this coast. A couple of generations afterward Ancona was founded on a more remote part of the Adriatic, either by Syracusans flying from their tyrants, or by the tyrants themselves; who occupied Issa and Adria, and perhaps Pisaurum, with Greek colonies.

The original Greek colonists did not go forth, like the first New Englanders, with their wives and children, to dwell in freedom amid forests which they rooted out: they were mostly unmarried freebooters, who won themselves wives with their swords[442]: so that their posterity were a mixed race, like the descendants of the crusaders in Palestine and Cyprus, and those of the Spanish conquerors in America. Afterward such as were needy migrated in shoals out of Greece to countries where fertile ground was to be obtained in large quantity; and they were gladly admitted; but assuredly not to equal rights. They received allotments of land, but were forced to content themelves with such as lay at a distance: if the new citizens were distributed into tribes, it was certainly only with an inferior franchise: the pretensions of the Sybarites at Thurii, so absurd considering their circumstances, represent to us how their forefathers, who had the power, must have dealt with newly admitted citizens. The Greek

[442] Herod. I. 146.

cities in Italy also had at first an aristocratical constitution: and I think its form may be conjectured. The descendants of the first military settlers, divided into some three tribes were alone eligible to all magistracies: the other Greeks, who were adopted as citizens into tribes different from the former three, shared the right of electing, but without being eligible: in the city there were a great number of foreign settlers who were admitted partially or fully to the privileges of citizens *: the peasantry were serfs. A connexion between this aristocracy and the Pythagorean religion is unquestionable, though mysterious: the three hundred Pythagoreans at Croton were, it may be conjectured, the senate: the revolution which broke out in all these cities at the same time, was of a like kind to that which, between the middle of the thirteenth century and that of the fourteenth, spread from one town to another, and transferred the government from the ancient houses to the guilds, because the former wished to retain the old institutions unaltered after they had lost their life and substance. But the revolution among the Italian Greeks was savage, full of horrours and atrocities. Sybaris shortly before its fall had, it would seem, become democratical. The destruction of this extraordinary city, which has incurred probably unmerited, and at all events exaggerated opprobium, was the first irremediable wound of Magna Græcia. It was followed by the bloody revolutions: Croton never rose again after the defeat on the Sagra: the Lucanians appeared and spread over Oenotria. But from the time when the elder Dionysius entered Italy as a conqueror, and in order to avenge himself, the calamity and distress knew no measure, or end, or pause: from that time forth a current, to use the expression of a Greek historian, threw the unfortunate towns of Magna Græcia by turns into the hands of the Lucanians or Bruttians, and into those of the Syracusan tyrants, to suffer devastation and ruinous protection. Which of these cities were still

* Ἰσοτέλεις and Ἰσοπόλιται.

subsisting, and what was their condition, when the Romans took a part, coming at first as protectors, in the affairs of those countries, I shall relate at that epoch of the history. In the general survey of ancient Italy a view of their origin seemed indispensable, and a few remarks on their peculiar character not misplaced: otherwise their history is partly independent, in part belongs to the general history of their nation.

Many things were communicated to these Greeks, at least in some of the cities, by native Italians, who acquired their franchise or dwelt amongst them; such as their system of weights and of mensuration[443], many words of their languages, and even forms of their versification and poetry. The Greeks on the other hand diffused their arts, their literature, and even the popular use of their language, in the peninsula, far beyond the countries of their immediate neighbours.

[443] Mazocchi perceived this from the Heraclean tables. But the manner of assigning the territory of Thurii (Diodorus XII. 11.) might indicate that the whole principle of the Italian agrarian law had been adopted: indeed it looks very much as if the ferment at Croton had arisen from the Patricians taking possession of the Sybarite territory for themselves, without allotting any part of it to the commonalty.

The LIGURIANS and VENETIANS.

I combine these two nations, not for the sake of intimating an affinity between them, but because both alike were unconnected, so far at least as we know, with the history of Italy until the later times of the Roman republic, and both dwelt to the south of the Alps only as parts of nations which out of Italy were widely diffused; in very early times too they seem to have been contiguous in the plain of the Po.

The Ligurians are among those nations which the short span of our history embraces only in their decline. Philistus, in representing the Sicelians as Ligurians, who had been expelled by Umbrians and Pelasgians [444], is not only blind to the identity of the Siculians and the Tyrrhenian Pelasgians; he is certainly no less mistaken as to the extraction of the Ligurians: but his mistake arises only from the very common errour, of confounding two irruptions which the same country has experienced at different times; as the nations that have successively inhabited Dacia, the Getes and Goths, the Huns and Hungarians, are taken one for the other; and in obscure traditions the same people appears, in some as invading, in others as driven out. During his banishment, which he passed in the countries on the Adriatic, Philistus may have learnt among the Umbrians themselves, out of their ancient books, that their forefathers and the Siculians had expelled Ligurians out of Tuscany; and it would be unwise to treat this information with contempt on account of his

[444] Dionysius I. 22.

having understood it confusedly. Now this is ground on which we may build still further; and looking at Livy's account of the Gauls settling on the Po, obscured as it is by the indistinctness of his conceptions, and incurably corrupted in the manuscripts[445], we may discern thus much: that a Ligurian people, the Libuans, once dwelt near the lake of Garda, and that the Salvians, who are known to have been settled in the neighbourhood of Massilia, likewise inhabited countries to the north of the Po: whether they were still existing there as subjects of the Etruscans, at the time when the Gauls made their appearance; or in this case also a people which had long before given way to the Etruscans, is named in their stead. The whole of Piedmont in its present extent was inhabited by Ligurians: Pavia, under the name of Ticinum, was founded by a Ligurian tribe, the Lævians[46]. When on the decline of the Etruscans they extended their borders among the Apennines into the Casentino[47], they probably only recovered what had been before wrested from them. They were among the inhabitants of Corsica[48].

Only one half of Liguria was accounted in Italy. According to a Greek tradition about the origin of the Sicanians, they were an Iberian people, and had been driven by the Ligurians from a river called Sicanus[49]. At least the Ligurians and Iberians anciently bordered on each other, whereas they were afterward separated by the Gauls. Scylax informs us, that from Iberia, that is, from the Pyrenees, to the Rhone the two nations dwelt intermixed[50]: and the opinion of Thucydides seems to have been, that the Sicanians had been driven from this very region. But it is far more probable that the Iberians came across the Pyrenees, both

445 Livy v. 35. see the commentators.

46 Pliny H. N. III. 21.

47 Polybius II. 16.

48 Seneca Consol. ad Helviam, 8. Fragm. Sallust. Histor. II. p. 958. ed. Cort.

49 Thucydides VI. 2. Philistus in Diodorus V. 6. According to Servius on Æn. VIII. 328, some take it for the Sicoris, a river in Catalonia; which seems to me merely a guess.

50 Scylax, p. 2.

into Aquitaine and into lower Languedoc, and that they drove back the Ligurians. When the Celts, in an opposite movement of a much later date, reached the shore of the Mediterranean, they too drove the Ligurians close down to the coast, and in the country about Avignon dwelt as the ruling people amongst them, which is indicated by the name Celto-Ligurians[451]. What tribes among the lower Alps were Ligurians, whether or not the Vocontians, I have no means of determining. But from these traces I hold it to be extremely probable, that this people dwelt of yore from the Pyrenees to the Tiber, bounded to the north by the Cevennes and the Helvetian Alps.

Of their place in the family of nations we are ignorant: we are only sure that they were neither Iberians nor Celts. Dionysius says, their extraction was unknown[52]. Cato seems to have made diligent inquiries among them, but to have heard nothing except evidently groundless and clumsily fabricated stories: hence he stigmatized them as illiterate, lying, and deceitful[53]. And illiterate a people probably was, which had to eke out life at the cost of such hard toil, and could not so much as till its stony ground with the plough. The rest of Cato's rancorous opinion is not at all confirmed by other ancient writers: on the contrary they speak highly of the industry, the indefatigable patience, and the contentedness of the Ligurians, no less than of their boldnesss and dexterity[54]. When Cato wrote, the Romans had only just completed the task of subduing them, which, though the contest was almost always carried on by each tribe separately, had required forty years: during this war the Ligurians also made very desolating and cruel inroads; and the exaspera-

451 Strabo IV. p. 203. a. Instead of Λουερίωνος we must read Ἀουενίωνος.

52 I. 10.

53 Fragm. Origg. II. in Servius on Æn. XI. 701. 715.

54 Cicero in Rull. II. 35. Virg. Georg. II. 167. Diodorus IV. 20. V. 39. From the last but one of these passages it appears that they engaged themselves for hire as free day-labourers in husbandry. The Athenian term for freemen who till the ground themselves, is αὐτουργοί. Thucydides I. 141.

tion thus produced may have misled him to pronounce so unjust a judgement.

At the time when the Ligurians were subdued or exterminated, tribe after tribe, or carried away from their mountains and settled in far distant plains, the Venetians were as rich as the former were poor, as unwarlike as the Ligurians were brave. They had resigned themselves without a struggle to the protection of Rome; and they appear in the Cisalpine war as Roman subjects, without our finding any account how they became so: the incursions of the Gauls had made them desirous of foreign protection. They inhabited a small part of the region which was afterward Venetia, in the plain and upon hills, scarcely up to the foot of the Alps, between the Cisalpine Gauls and the formidable Tauriscans of Noricum *. Venice has inherited her commercial and trading spirit from her parent city, the ancient Patavium: which having been founded, according to tradition, long before Rome by Trojan emigrants, escaped uninjured in all the wars and all the disorder of Italy, flourished in extraordinary wealth, and in the age of Tiberius was the first Italian city next to Rome.

That tradition about Antenor had become national among the Patavines: at least the account which is connected with it, of the war waged before the founding of the city with the Euganeans and their king Velesus [455], must be home-sprung: in other respects its Greek origin is manifest, being derived from the cyclic poets, who related Antenor's treachery and indemnity, and from the name of the Paphlagonian Henetians. Of the Venetians, says Polybius, the tragic poets tell many fables [56]. The country about the Eridanus, the remotest shores of the Adriatic, were renowned in poetical story: these regions of that sea, rendered inaccessible by the Liburnian pirates, appeared even to the later Greeks very distant and

* Polybius II. 15. 30.

[455] Servius on Æn. I. 242.

[56] Polybius II. 17.

vast. Scylax, who enormously exaggerates the extent of the Adriatic, places the Venetians on its eastern shore, about the mouth of the Eridanus; representing that river as discharging itself beyond the innermost recess of the gulph, where the coast was inhabited by the Celts[457]. But although the Greeks very rarely visited these regions, still the opinion of Herodotus, that the Enetians were an Illyrian race[58], much deserves to be weighed: and there is a statement quite independent of it, which names an Illyrian king Ænetus as their prince[59].

A difficulty indeed seems to be raised by the circumstance that Polybius, who remarks that the Venetians differed little in manners and dress from the Celts, although his ear could undoubtedly distinguish the Illyrian tongue with certainty, does not say the Venetian language was Illyrian, while he observes it was not Celtic. But this leads to the conjecture, that they might be improperly termed Illyrians, and may have been Liburnians; an inaccuracy which for Herodotus would be very inconsiderable. They were separated from the Liburnians in Dalmatia only by the Istrians, before the Gauls conquered Noricum; which was evidently inhabited at an earlier period by Liburnian tribes. For the Vindelicians, from whom Strabo distinguishes the Breunians and Genaunians as Illyrians[60], were Liburnians[61]. Virgil's words too[62] seem distinctly to term the Venetians Liburnians: for the innermost realm of the Liburnians is surely the goal at which Antenor is said to have arrived.

Now the affinity of name between the Ligurians and the Liburnians is so close, that, although I have not intended to establish a connexion between the two nations which are the subject of this section, it might seduce one

457 Scylax, p. 6.

58 Herodotus I. 196.

59 In Servius on Æn. I. 243.

60 Strabo IV. p. 206. b.

61 Servius on Æn. I. 243.

62 Æn. I. 243. foll. —Antenor potuit—Illyricos penetrare sinus atque intima tutus Regna Liburnorum.

to make the attempt. The recollection suggests itself, that the Sigynnæ were the only people of whom Herodotus could hear, as dwelling on the banks of the Ister, beyond the Venetians and Liburnians, so that he most probably heard of them from mariners of these nations; and that he knew this to be the Ligurian name for merchants[463]: what if those mariners meant that they were acquainted only with merchants from those parts? and what if it was the intention of Herodotus to intimate this? But I fly from the rocks of the Sirens.

An inscription, which is taken for Venetian, exhibits an artificial variety of the Etruscan character.

463 Herodotus v. 9.

extinct in Sardinia: that it should never have been settled on an island lying between the Baleares, Corsica, and Sicania, is inconceivable. The Iolaans, we are told by Pausanias, resembled the Libyans.

A pretended Greek settlement under Aristæus[472], points again to Pelasgians; since that son of Cyrene ruled in Arcadia[73]: the Tyrrhenians too in Sardinia[74], who are said to have inhabited it before the Iolaans, must have been Pelasgians, not Etruscans.

I hear that Cyclopian walls of a peculiar structure are found on this island, which undoubtedly can as little be ascribed to the Carthaginians as to the Iolaans. According to this we must not consider it as a mere fiction, when we read that, toward the end of the fifth century of the city, ruins were shewn of large buildings and vaults, which the Greeks called works of Iolaus and his companions, the Thespiadean Heraclidæ[75].

If the dialect of the Sardinian mountaineers were known, and really contained totally foreign roots, light might possibly be thrown on the affinity of this people to the Iberians or to the Libyans. Specimens of the language from the civilized districts exhibit peculiarities which are more than varieties of dialect: they indicate a Romance language of a distinct kind; but nothing more.

among the vicissitudes books are subjected to by changes of fashion and taste, that Timæus, who in Cicero's time was still generally read, was confined, when Pausanias wrote, to the studies of the learned, so that Pausanias could find in him, as in the most forgotten Atthids, unknown narratives to embellish his books with. What Isidorus xv. 6. c. 1178. d—f. and Solinus say of Sardinia, together with the passage on Corsica which follows in the former, is now properly inserted among the fragments of Sallust.

472 Pausanias, as above. Diodorus iv. 82. Auct. de Mirabilib. p. 105. b. Sallust. in Servius on Georg. i. 13: all these however do but repeat Timæus.

73 The most important passages are collected in Bochart, Geogr. Sacr. ed. 1692. c. 573. d. foll.

74 Strabo v. p. 225. a.

75 Auctor de Mirabilib. p. 105. b. Diodorus iv. 30.

CONCLUSION.

No one can ascend up to their springs along the streams by which the tribes of the present human race have been carried down: still less can any eye pierce across the chasm, which there severs the order of things wherein we and our history are comprised, from an earlier one. That a former race of mankind has passed away, is a general popular belief; and it was shared and cherished by the Greek philosophers: but they dissent from the people in this: Plato and Aristotle suppose that a few, embers as it were, had escaped from the general ruin, and that from them a new race of mankind had gradually spread over the desolated earth; while the people in the renewed life of man saw a new creation, the Lai of Deucalion, the Myrmidons of Æacus; and deemed the extinct race rebels against the heavenly powers, led astray by the consciousness of their enormous strength. So the later Jews dreamt of giants before the deluge; so the Greeks of the Titans of Phlegra, and of those who perished in the flood of Deucalion or of Ogyges: so the savages of North America fable of the Mammoth, that the devastated world had invoked the lightnings of heaven, and not in vain, against the reason-gifted monster, the man of the primitive age. So Italy in its popular legends had the Campanian giants, who fled into the furthest corner of Messapia, and there, being pursued by the inexorable conqueror, hid themselves under the earth; out of which, commingling with the springs, venomous ichor gushes forth, from the never-healing wounds of the thunderbolt. Now far as we are from sharing such a belief, I still cannot forbear ascribing

to the people a healthier perception than that of the philosophers in one respect: the latter assume a time without beginning, wherein act follows act; while the people recognizes the creation of mankind, a beginning of new laws of life: for the sake of setting which before our eyes, the fragments left from the life of earlier ages seem to have been buried in the earth. That such a creation should have occurred only once, we are no way forced to conclude: it may have taken place, for the different races of mankind, after the earth had been more or less extensively desolated, at widely-distant epochs in the course of those many thousand years which were required to form the alluvial land of Egypt, Babylonia, Lombardy, or Louisiana: for God does not grow old, nor weary of creating, of preserving, of remoulding and training.

The uniform notion however was, that the times of the giants were not parted by a gulph from those of the present human race, but that the latter gradually gained the upper hand, while the former as gradually expired. And in fact the ascribing to a race of giants the walls composed of enormous polygonal blocks of rock, in what are called the Cyclopian cities, from Præneste, and even Ardea, to Alba in the land of the Marsians, as well as the exactly similar walls of Tiryns; such an opinion is an expression of the unprejudiced understanding; just as the peasants of Friesland fancy they see the works of giants in the colossal altars which occur on the high grounds in greater or less preservation, wherever the Teutonic tribes were formerly settled, and granite boulders are found.

We are certainly forced to pronounce these works foreign to the tribes known to our history in Latium, as greatly surpassing their power; but we must content ourselves with confessing that our history does not reach up so far. For the difficulty lies only in the inadequate powers of those tribes. The Etruscan walls, and the works of the Roman kings, are not inferior, or even exceed them in magnitude: the raising and removing the

obelisks hewn out of the rocks is a still more gigantic undertaking, one that still more mocks our mechanical powers: the Peruvian walls and roads are also no less enormous than the buildings called Cyclopian: but in these cases there is nothing incredible; because we know that many thousands, nay hundreds of thousands, laboured at taskwork, and that no regard was paid to the sacrifice of lives. Those forgotten tribes in the country of the Cascans and Latins[476], compared with whose architecture that of Rome under the Cæsars was diminutive, belong to or precede a period in which the Greek historian of the Augustan age, in accord with the philosophical historians of the last century, saw nothing in this very country of the Aborigines but savages scarcely possessing the faculty of speech, the offspring of the rude young earth. In like manner the vaulted drains of the lake Copais, which are carried thirty stadia through the solid rock, and to clear which was beyond the power of Bœotia in the time of Alexander, are certainly the work of a people prior to the Greeks.

Among the Italian cities Herculanum is undoubtedly one of the very ancient. It was built on a bed of tufo, exactly like that which has buried it: the former covers a soil containing unequivocal traces of tillage[77]; and this cultivation belongs to an age anterior to the first Greek settlement in Italy; since the Greeks had no traditions of eruptions from Vesuvius, although they collected by inference that the mountain was volcanic.

A detailed map, framed only according to notices, calculations, and bearings, may deviate in every particular point from absolute geographical correctness, and yet may be substantially sufficient for forming a notion of a

[476] The employing Tyrrhenian Pelasgians to build a fortress on the Acropolis at Athens, might suggest the conjecture that their nation enjoyed peculiar celebrity in this kind of architecture. But if the walls in Latium were their work, how happens it that on the right bank of the Tiber, among so many decidedly Pelasgian cities, this style of building nowhere appears?

[77] Diss. Isagog. in Herc. volumina 1. p. 9.

country, and for following the events of its history: when contracted to a small scale, its variations from a precisely accurate one may be scarcely perceptible. The same is the case with regard to many things handed down to us in the history of nations: if they are detached from their dates and whatever else is most exposed to arbitrary and falsifying alteration; if we do not suffer ourselves to be disturbed by particular incongruities, where there is no contradiction in the main; the limits of universal history will be greatly enlarged.

Thus the legends and traditions collected in this introduction, concerning the several tribes that flourished in the earliest times of Italy, furnish results which enable us to descry the most important turns of their destinies, and which carry us so far forward, that, even beyond the Alps, some of the national movements in the west and north of Europe come within our widening horizon.

The Pelasgians, under which name it seems that in Italy the Oenotrians, Morgetes, Siculians, Tyrrhenians, Peucetians, Liburnians, and Venetians may be comprehended, surrounded the Adriatic with their possessions no less than the Ægean: that tribe of them which left its name to the lower sea, having dwelt along its coast up to a considerable distance in Tuscany, had also a settlement in Sardinia: and in Sicily the Elymians, as well as the Siculians, belonged to the same race. In the inland parts of Europe the Pelasgians were settled on the northern side of the Tyrolese Alps; and under the name of Pæonians and Pannonians extended as far as the Danube: that is, if the Teucrians and Dardanians were not different races.

In the very earliest traditions they are standing at the summit of their greatness. The legends that tell of their fortunes, exhibit only their decline and fall: Jupiter had weighed their destiny and that of the Hellens; and the scale of the Pelasgians had risen. The fall of Troy was the symbol of their story.

As on the east of the Adriatic the Illyrians press forward from the north, until they are arrested by the mountains of Epirus; so from the same quarter the Tuscans, driven onward by the Celts or Germans, come down out of the Alps into Italy: in the western part of Lombardy, reaching as far as the lake of Garda, they find the Ligurians, who at that time were one of the great nations of Europe, possessing the country to the foot of the Pyrenees; at an earlier period they had also inhabited Tuscany. From the plains on the north of the Po they now retired behind the Ticinus and into the Apennines. The invaders, pursuing their conquests, expelled the Umbrians, both out of Lombardy south of the Po, and from the inland part of northern Tuscany: from the sea-coast and the south of Etruria as far as the Tiber, they drove the Tyrrhenian Pelasgians. This limit they reached about the time which we mark as the end of the second century of Rome. It was probably the impulse of the Tuscan irruption, which set in motion all the nations then in possession of the country from the Po to the summit of the Apennines; and which forced the Cascans and Oscans, pressed onward by the Sabines, upon the Sicelians. And as the Pelasgians here and in Tuscany were expelled or subjugated, so their other tribes experienced the same fate, in Oenotria from the Greeks, in Daunia from the Oscans, higher up along the Adriatic from the Sabellians and Umbrians. Driven on by the Sabellians, the Ausonian Opicans attacked the Latins, a people sprung from an earlier emigration of other tribes belonging to their own race. The further changes do not require a summary.

THE PRELIMINARY HISTORY OF ROME.

ÆNEAS AND THE TROJANS IN LATIUM.

I TURN with pleasure toward my proper mark, from the wearying task of gleaning detached and mostly unimportant notices concerning the Italian nations; and I withdraw myself from the seductive impulse, of trying to divine the nature of what has perished by the continually repeated contemplation of these often uncertain fragments. Yet I must still linger awhile on ground which is of the same kind with the most insecure part of that I have just quitted, but which belongs essentially to Rome, and over which our road must needs pass to the mythical part of Roman story; which must be kept separate, but may not be excluded.

If the investigation concerning the Trojan colony in Latium aimed at deciding with historical probability, by means of direct and circumstantial evidence, whether such a colony actually settled on that coast, a prudent inquirer would decline it. He would deem it absurd to expect evidence as to an event that preceded by five hundred years the time when all is still fabulous and poetical in Roman history: and what traces could be preserved, to supply the place of evidence which obviously cannot possibly exist, when the Trojans with Æneas, even according to the account which assigns the greatest importance to them, were not an immigration such as alters the people it unites with, and distinctly impresses its

character on the new formation? By the earliest Roman narrative they are represented as only the crew of a single ship: and even in the later, which might lead us to look for a somewhat larger number, they are still no more than a little band, for which the fields of a single village were sufficient. That no trace of such a settlement was perceptible a thousand years afterward, would as little decide against the coming of those strangers, as it would be possible for any traces of them to be shewn.

The real object of the investigation is, whether the Trojan legend is ancient and homesprung, or whether the Latins adopted it from the Greeks; and whether its origin may perhaps be explained. Besides it is worth the while to bring together the peculiar features of the earliest Roman accounts, which are very little known.

Let none treat this inquiry with scorn, because Ilion too was a fable, and a voyage to the unknown West was impossible. Mythical the Trojan war certainly is, so that not a single point among its incidents can be distinguished as more or less probable than the rest: yet it has an undeniable historical foundation; and this does not lie hid so far below the surface as in many other poetical legends. That the Atridæ were kings of the Peloponnesus, is not to be questioned. Nor can the voyage to Latium be called impossible; since the boldness of mariners is not at all confined by the imperfection of their vessels; nor is their knowledge of distant regions to be measured by the conceptions of their countrymen who remain at home, in an age when there are no books, maps, and men of learning.

The account that the Trojans did not utterly perish on the destruction of Troy, that a part survived, and that the remnant had been governed by the race of Æneas, is as old as the poems which sang of the Trojan war. It is true, it does not by any means follow from this, that the legend which makes the descendants of Æneas rule over

emigrants afar from Troy, was equally old; all that can be said, is, that there is no contradiction between them. Nothing more is expressed in the well-known passage of the Iliad *, than the continuance of a Trojan people: and it would certainly be more natural to refer the prophecy to the independent Dardanians under Æneas, who from their situation might take possession of the desolated Ilian territory immediately after the departure of the Greeks, than to a distant settlement in regions which, even if they were known to the mariner, were altogether obscure to the poet: were it not that in the Homeric age Troas and the Hellespont had long been full of Æolian colonies. Arctinus of Miletus too, a poet contemporary with the building of Rome, only related, unless the abstracts in the Chrestomathia of Proclus deceive us, that Æneas and his followers, terrified by the portentous fate of Laocoon's children, abandoned the city and withdrew to mount Ida from the general ruin. Now it is certainly possible that an account of what afterward befell the fugitives, might be passed over in those abstracts. But Dionysius was acquainted with the poems of Arctinus, not merely with his *Æthiopid* but also with his *Destruction of Troy*: for he recounts his narrative of the stealing of the false Palladium[478]: and he does not combine it with the accounts which stated that the image had been carried by the Trojans into Italy. Now if the Milesian poet, whose great antiquity Dionysius expressly urges, had related the more distant emigration of Æneas, it is inconceivable that Dionysius should have neglected his evidence for the coming of the Trojans into Italy, when he was collecting all that he could muster out of Hellanicus, Cephalon, and others so much more modern.

In the Laocoon of Sophocles[79] it was represented that, before the taking of the city, Æneas withdrew and was followed by a great multitude to new abodes, the desire

* xx. 307—308. [478] I. 69. [79] Quoted by Dionysius I. 48.

of many Phrygians. Now even if Sophocles took the fable of his tragedy in the main from the ancient cyclic poet, still it no way follows, that he did not in this instance also exercise his usual licence, by choosing freely out of the narratives contained in other poems on the fall of Troy.

Dionysius seems to have been acquainted neither with Pisander, nor with the lyrical poem of Stesichorus on the destruction of Ilion. If credit is due to the well-known account, that Virgil formed the second book of the Æneid entirely on the model of Pisander's epic poem [480], we then know that the latter sang, how after the fall of the city Æneas made his escape with a part of the Trojans, and emigrated; not as a traitor, nor through the clemency of the Argives: but we are not warranted in drawing conclusions as to a further coincidence between his fable and Virgil's. The age of Pisander, if he was the Camiræan, is quite undetermined, lying between that of Hesiod, and the 33d Olympiad.

But Stesichorus sang of the emigration of Æneas, almost in the same way as Virgil; for the representations on the Iliac Table seem entitled to confidence. Here we find the preservation of the hero's father and of the holy things, with only slight variations from Virgil's description; and the embarkation of Æneas and his followers for Hesperia. Stesichorus, who died in the 56th Olympiad, lived in the latter half of the second century: still from the vague account that Æneas had led Trojans into Hesperia, to the statement that he had founded a colony in Latium, there is certainly yet a wide step: and it is very doubtful whether Stesichorus reached this extreme limit.

According to Arctinus at least, the saving the Palladium was his chief exploit: among the holy things too mentioned by Stesichorus, this we may be sure was the

[480] Macrobius Saturn. v. 2. It is inconceivable that he should have taken Pisander of Laranda for older than Virgil: if here too he was merely a compiler, the grammarian he copied was still nearer to the age of Severus.

most precious treasure: but this Palladium the Greeks believed to be preserved in the Trojan colony at Siris in Oenotria; on that coast where they placed so many Trojan recollections, Philoctetes at Petelia, Epeus at Lagaria, the Pylians at Metapontum. Siris was within the compass of Hesperia; and at least the earliest Greeks who sang of a Trojan migration to Hesperia, scarcely assigned it a more distant goal. But Misenus in Stesichorus, unless he has been added on the Iliac Table out of Virgil, decidedly points to the lower sea.

The other Greek authorities quoted by Dionysius, we either cannot arrange at all according to their age, or not with such certainty, as to fix the time when the Latins were first mentioned by the Greeks as a Trojan colony. Gergithes on mount Ida was the only Teucrian town left after the Æolian invasion [481]: a Gergithian, Cephalon, wrote the history of his nation. In this he related, that Æneas had led the Trojans only as far as Pallene on the coast of Thrace; that he died there after founding the city of Ænea; that Romus, one of his four sons, with his father's followers built Rome in the second generation after the fall of Troy [82]. As a Teucrian, this writer is very interesting: he would be important, if the expression of Dionysius, "a very ancient historian [83]," could be taken literally; but he applies the same description to Antiochus, who was more recent than Herodotus. We cannot therefore assume Cephalon to be older than the former, that is, than the first half of the fourth century: this conjecture would amount to certainty, if it were quite established that Capua [84], which he mentioned under that name, did not acquire it until the Samnite conquest.

Within a century later Apollodorus of Gela, the contemporary of Menander, termed Romus the son of Æneas

[481] Herodotus v. 122. vii. 43. [82] Dionysius i. 49. 72.

[83] συγγραφεὺς παλαιὸς πάνυ. i. 72.

[84] Etymol. Magn. v. Καπύη.

and Lavinia[485]: after the middle of the fifth century Callias adopted the story of the Trojans settling in Latium, and their uniting with the Aborigines, which he indicates by the marriage of Roma with king Latinus[86]. Soon afterward Pyrrhus crossed over to Italy, and the eyes of all nations were turned toward Rome. Pausanias, it is extremely probable, borrowed the thought, that Pyrrhus felt himself called upon as a descendant of Æacus to combat the posterity of the Trojans[87], from some contemporary writer; Hieronymus or Timæus. The latter, who wrote, as the people of Lavinium had related to him, that the images of the Trojan gods were preserved in the sanctuary of their temple[88], must be admitted as a witness of the belief in the Trojan colony, which indeed had in his time become general among the Greeks. In the first half of the next century it was professed by Eratosthenes[89]: it is mere accident that there remains no Greek work expressing it more ancient than Lycophron's Cassandra, which was written about 460[90].

Other Trojan colonies in these parts were deemed by the Greeks of the fourth century to be historically certain. Hellanicus indeed had brought the Elymians in Sicily out of Italy, and had held them to be earlier inhabitants of the island than the Sicelians[91]: but Thucydides, no doubt following Antiochus, states that they were Trojans, mingled with Phocians who were cast away on that coast when returning from Troy. Scylax also calls them Trojans[92]. The same remarkable story of a peaceful settlement formed in common by the fugitives and the conquerors humbled by their destiny, recurs on the Oenotrian

485 In Festus v. Romam: the words are sadly corrupt.

86 Dionysius I. 72.

87 Pausanias Attic. c. XII. p. 11. a.

88 Dionysius I. 67.

89 Servius on Æn. I. 273.

90 v. 1232. foll. The author has discussed the age of Lycophron in the Rhenish Museum. Vol. I. pp. 108—117.

91 Dionysius I. 22. It seems also as if he had brought the Trojans under Æneas no further than to the Crusæans of Pallene, to the city of Ænea. See Dionysius I. 47 and 48.

92 Thucydides VI. 2. Scylax, p. 4.

coast at Siris. Accordingly there can be no doubt that Thucydides and the Greeks of his age, if mention had been made of a Trojan colony on the Tiber, would have seen nothing surprising in it.

But along with this fiction, there was another current among the Greeks: that the Latins were one of the ancient colonies founded by Greeks who were cast away on various shores after the Trojan war; which colonies are supposed afterward to have lost their connexion with their country, and to have become foreign to the Greek nation: such, in the south of Italy, Metapontum, Petelia, and Arpi, are said to have been. Circeii, uniformly taken by the Greeks for the island of Circe, and hence interesting even to mariners, who recognized the grave of Elpenor in a place overgrown with myrtles of a dwarf kind (whereas the rest of Latium was said to produce only those of tall stems[493],) brought the name of Ulysses into these regions. Hesiod terms Latinus and his brother Agrius, the sons of Ulysses and Circe, rulers of the renowned Tyrrhenians[94]. He knows nothing of Telegonus, whom other fables named in the room of those brothers; fables older than Sophocles[*], and adopted by the later Roman poetry and by the Tusculans. Wherever Latinus, or Romus, or Roma, are spoken of as descendants of Ulysses or of Telemachus[95], the meaning of the fable is the same: but this notion of a Greek origin also makes its appearance, without any mention of Ulysses. Aristotle related[96], that some Achæans on their return from Troy had been cast away by tempests on the coast of Latium, a district of Opica; that when they landed to winter there, the captive Trojan women set fire to their ships; and that this compelled them to settle in that country. This was even repeated by Heraclides Lembus, after the year 600 U. C.; and they who down to the sixth century called Rome a Grecian city, and the

493 Theophrast. Hist. Plant. v. 9. Scylax, p. 3.

94 Theogon. v. 1011—15.

* See the passages quoted among the fragments of the Νίπτρα.

95 See below in the Section on the Founding of Rome. 96 In Dionys. I. 72.

Romans Greeks, must in substance have adopted the same views.

Now it seems to me clear, that the earliest Greek tradition, of which we may certainly consider Hesiod as the representative, by assigning Latium to Ulysses and his descendants, excludes the Trojans from it: while on the other hand an opinion of very remote antiquity, the historical value of which I may leave to rest upon its own merits, brought them along with the sacred treasures they had saved, to the Siris. If so, it is in the highest degree probable, that, so long as the Palladium was believed to be preserved there, that is, until the conquest of Siris by the Ionians, about 75 U. C., nothing was either said or sung among the Greeks about a more distant migration of the Trojans who had escaped from the flames of Ilion. But irreplaceable sacred treasures, such as the Palladium, if they are lost, are generally given out to have returned to light somewhere else: and then it often happens that several are set up as the genuine one. In this way currency might be given to the legend, that Æneas had taken refuge with the gods of Troy in parts far more remote than the Siris, and that they were still preserved there: to a Teucrian indeed the report was peculiarly acceptable, and he would feel a peculiar interest in strengthening the opinion, that a germ of his race had been preserved in a distant region, and that from it a new people was springing up.

But it is in that distant region that the report must have had its origin: whatever use learned Romans in the age of Augustus might make of Greek poets, to shew that the tradition was early known to the Greeks, and thereby to prove its truth, still it would be highly improbable that a belief which was adopted by the whole nation concerning its own early times, should have been borrowed from abroad; even if it could be traced from such poems as were generally known. This however is by no means the case here, as it was with the fable of Ulysses coming to Latium:

with regard to the latter it is very easy to understand that the house of the Mamilii, which was transplanted to Rome from Tusculum, where it enjoyed princely rank, deduced its lineage through Telegonus from Circe. That a belief of this kind should be of foreign origin, is above all improbable when it is recognized by the state; by a state too so proud, and so full of contempt for every thing foreign, as Rome. Of its having been so recognized, we find remarkable proofs, in collecting the earliest traces of the Trojan legend among the Romans, proofs drawn from times when Greek literature had certainly found admission only with individuals. That Dionysius, in support of its historical truth, appeals to Pythian oracles and Sibylline declarations, is a piece of the superstitious trifling he so often provokes us by; and the authority is worthless, since the old Roman Sibylline books had been lost, and those which circulated among the Greeks were wretched impostures.

In opposition to the opinion that this legend was generally current among the Romans, it might be urged, that of all the Roman festivals not a single one related to Æneas and Ilion. For the yearly sacrifice offered by the pontiffs and the consuls on the banks of the Numicius to Jupiter Indiges[497], no way proves the high antiquity of the opinion that this god was Æneas deified. But on the other hand the worship of the Penates at Lavinium is the more important, because, as has been oftener than once mentioned, Timæus, who at all events, writing in Sicily, could not fable on Roman matters, as Megasthenes did concerning India, related, about 480 U. C. that certain inhabitants of Lavinium had informed him, Trojan images of clay were preserved in their temple.

The first negociation we have an account of between the Romans and the states of Greece, is the application of the senate to the Ætolians for the freedom of the Acarnanians, grounded on the obligation the Romans were under to those whose ancestors, alone among all the Greeks, had taken

[497] Schol. Veron. ad Æn. I. 260.

no share in the war with their progenitors the Trojans[498]. Justin's superficial inaccuracy has thrown the means of determining the time of this event into such confusion, that it cannot be made out whether this embassy was not sent even before 509; it must not be dated later than 515 or 516. About the same time we must place a letter to king Seleucus from the senate, demanding, as the condition of entering into a treaty of friendship and alliance, that the Ilians, the kinsmen of the Roman people, should be exempted from tribute[99]. The Ilians were also included by the Romans in their first treaty of peace with Macedonia, in the year 549: fifteen years after, when the Scipios crossed the Hellespont, the Ilians boasted of their affinity with their colony, the Roman people; the Romans were delighted to see their mother-country, and the consul went up to the citadel to offer a sacrifice to Athene[500]. Later instances of the Ilians appealing to this pretended affinity—dishonestly, for they were originally an Æolian colony, and the Macedonian kings, who at one time enlarged the city, at another changed its site, mingled a concourse from all nations with the old inhabitants*—would here be useless.

The traces that remain of C. Nævius, who had served in the first Punic war, having in his poem circumstantially described the departure and voyage of Æneas and his father, will be found collected a couple of pages further down.

By this combination of evidence I think I have established

[498] Justin XXVIII. 1. When my history reaches this point, I think I shall be able to shew that what Dionysius relates I. 51, which refers still more specifically to the legend of Æneas, belongs to this negociation, not to a much later period.

[99] Suetonius Claud. 25: where that excellent critic Oudendorp has proved that Seleucus, who is there named without any specific description, must have been Callinicus, who reigned after 509, Ol. 133. 3. The occasion of his seeking the friendship of Rome, was the war with Ptolemy Euergetes, or that with Antiochus Hierax.

[500] Livy XXIX. 12. XXXVII. 37. XXXVIII. 39. Justin XXXI. 8. Polybius XXIII. 3.

* Scylax, p. 35. Strabo XIII. p. 593. foll.

the correctness of the view, that the Trojan legend did not come out of Greek literature into Latium, but must be considered as native: and when I have added, that it has not on that account the least historical truth,—any more than the descent of the Goths from the Getes, or that of the Franks and Saxons from the Macedonians, all which are related with full faith by native writers,—nor even the slightest historical importance, I should wish I might quit the subject. But he who brings forward inquiries of this sort, is seldom permitted to decline expressing his suspicion, if he has one, where no human sagacity can arrive at a decisive solution; as is here the case with the question, how after all this tradition may have arisen. The following hypothesis is with me not a desperate attempt to find some escape or other from a difficulty: it is my conviction: yet but for that necessity of speaking, I should be silent on the subject.

Everything we have to rely upon in the mythological stories which can help us in discovering the affinities of nations, indicates that which existed between the Trojans and the Pelasgic tribes; the Arcadians[501], Epirots[2], Oenotrians[3], but above all the Tyrrhenian Pelasgians. Dardanus comes from the city of Corythus to Samothrace, and thence to the Simois: Corythus is in Virgil a Tyrrhenian, according to Hellanicus and Cephalon a Trojan[4]: this expedition of Dardanus, that of the Trojans to Latium and Campania, and the migrations of the Tyrrhenians to Lemnos, Imbrus, and the Hellespont, may safely be explained as only designating national affinity. That the Penates at Lavinium were the gods of Samothrace, is an opinion almost universally received: so much so, that Atticus, though he did not controvert the story about the migration of Æneas, concluded that the Penates had been

[501] The extraction of Dardanus from Arcadia according to one tradition, (Dionysius I. 68.): the arrival of Æneas in Arcadia.

[2] The settlement of Helenus, and stay of Æneas.

[3] Policum on the Siris.

[4] Parthenius, 34.

brought from that island[505]: so much so that the Samothracians, like the Ilians, are said to have been recognized as kinsmen of the Roman people[6]: which must be understood to mean not merely the belief of individuals, but one declared by the government. From this community of religion as of lineage it might ensue, that more than one branch of the nation should call themselves Trojans, and boast of being a colony in possession of the Trojan sacred treasures, said not to have been lost, but rescued. For many generations after they had bowed under barbarian rule, Tyrrhenians will still have visited the holy land of Samothrace; and there Herodotus may have heard citizens of Cortona and Placia converse; there Lavinians and Gergithians may have mutually awakened and strengthened the conviction of their kindred through their common ancestor Æneas. The superiority maintained, when the Tyrrhenians and Cascans united, by one of the two nations in religion, by the other in arms, is implied in the line:

Sacra Deosque dabo; socer arma Latinus habeto:

only that Latinus himself must be considered as a Tyrrhenian.

The Trojan descent of the Elymians is far more decided and acknowledged than that of those in Latium: so is that of the ancient Sirites of Polieum.

A belief of this sort requires no long time, in spite of the most obvious facts and the clearest historical proofs, to become national, so that thousands would be ready to shed blood for it. They that would introduce it, need but tell people roundly, that it is what their forefathers knew and believed, only the belief was neglected and sank into oblivion.

The legend was altered in various ways: even imperfect traces of its earliest form, before, like others, it experienced the fate of being adulterated into a tale

505 Schol. Veron. on Æn. II. 717. 6 Servius on Æn. III. 12.

of something historically possible, demand a place in a history of Rome.

Nævius had related it in an episode of his poem on the Punic war, of which fragments and notices are preserved[507]. It is evident that here too, as in Arctinus and Sophocles, Anchises and Æneas quitted the city before it was taken: their wives passed through the gate in the night, with their heads muffled, in tears: many imitated their example: yet Æneas found room for his followers in a single vessel, which Mercury had built for him. The mention of Prochyta shews that the Campanian poet accompanied the emigrants to the term of their voyage: the vicissitudes Virgil makes them pass through before they reach it, seem in the main to be borrowed from Nævius. We know that the tempest, assuredly raised here also by Juno, the complaint of Venus to Jupiter, and the promises of the future with which he consoles the fond goddess, were imitations of Nævius: I have no doubt, that he likewise brought Æneas to Carthage; from him is taken the name of Dido's sister, Anna; it is certainly the Punic princess, who with him too "gently and prudently inquires how Æneas left Troy": and it is exceedingly probable that the origin of the national enmity had already been deduced by him from her fate. The shield of Æneas is a fiction which might certainly be readily suggested by that of Achilles: still it is at least likely, that the shield representing the war of the giants in the poem of Nævius, was an earlier similar application of the Homeric conception to the same hero.

Different parts of Varro's narrative bore the mark of totally different sources and times. Of a novel kind are

[507] The fragments here referred to may be found in Hermann's Elementa doctr. metricæ III. 9, 31. p. 629. foll.

1. Amborum uxores noctu Troia de (l. Troiad) exibant
Capitibus opertis, flentes,
Abeuntes ambæ lacrimis cum multis.
2. Horum sectam sequuntur multi mortales.
3. —blande et docte percontat,
Æneas quo pacto Troiam urbem liquerit.

the incidents, that Æneas gains possession of the citadel, and capitulates for liberty to depart with as much as every man can carry[508]; instead of his treasures he bears off his father who had been paralysed by lightning, and, when the Greeks in admiration grant him a second choice, the clay and stone images of the gods; in honour of which virtue they allow him to take safely away whom and what he will[9]. A feature belonging to the ancient legend, and reminding us of those of Asia, is, that during the voyage the morning star continued visible all day long to the Trojans, and disappeared when they had reached their destination on the Laurentine shore[10]. It is not known who assigned four years as the duration of this voyage[11]. By the sign just mentioned, and by the fulfilment of the Dodonæan oracle[12], when his hungry band devoured the herbs on which they had spread their scanty meal, Æneas recognized the land allotted to him by fate[13]. According to Cato, Æneas and Anchises, for he too reached the promised land, gave to the first settlement the name of Troy[14]: it did not stand where Lavinium was afterward built. From this time we may discover traces of the account such as it stood in the *Origins*. Latinus granted 700 jugera to the Trojans: here the measure of the plebeian hide of land is traced to the very first origin of the Latin nation; and it is intimated that there were but a hundred Trojans. The harmony was disturbed by the wounding of a favorite stag belonging to King Latinus. Turnus[15],

508 Dionysius mixes up this account with that of Arctinus.

9 Servius on Æn. II. 636, and Schol. Veron. ad II. 717. where we should read *humanarum* for *historiarum*, and *aurum* for *arma*.

10 Servius on Æn. I. 381. and 801. 11 Servius on Æn. I. 259.

12 Servius on Æn. III. 256.

13 This oracle is known to Lycophron: v. 1250. foll.

14 Servius on Æn. I. 6. VII. 158.

15 His name seems undoubtedly to be nothing else than an Italian form of Tyrrhenus, with which that of the shepherd Tyrrhus is also clearly connected. That Turnus is a Latin *prænomen* in Turnus Herdonius, is anything but certain: the practice of placing an uncommon *cognomen* before the *nomen* obtained early; and Turnus would be like Siculus, or Auruncus, by the side of very old Roman names in the Fasti.

prince of the Rutulians of Ardea, united his arms with him against the hated foreigners. But the natives were defeated, Laurentum was taken, Latinus fell at the storming of the citadel[516], and Lavinia became the prize of the conqueror. The picture drawn in gentler ages rejects such unhappy nuptials with the man by whose arms her father fell, and combines the marriage with festivities in honour of the peace: athough Virgil does not allow himself, like Dionysius and Livy, to make the threatened battle go off in an alliance and union. And Lavinia is certainly in other traditions the mediatress of an alliance with foreigners; being married to Hercules, under the name of Launa, the daughter of Evander; to Locrus, as Laurina, the daughter of the Oenotrian Latinus; nay being also given in marriage to Æneas, under the name of Launa, the daughter of the Delian Anius *.

The coast of Latium is a sandbank, where nothing grows but wood of the fir kind; and Æneas might well be grieved that his fate had brought him to so poor a country[17]. But he was reminded of the oracle, that an animal should guide his colony, like the Sabellian, to its promised seat, when the pregnant sow designed for the sacrifice broke loose, and escaped to the bushes on a more fruitful eminence. There it farrowed thirty young ones; and thus, together with the site on which Lavinium was to be built, was also signified the number of the years that were to elapse before Alba should become the

516 This account must sound so strange to the reader of the Æneid, and it must seem so incredible to him that Virgil should have altered the old tradition to such a degree, that I transcribe the passages which are quoted from Cato; all preserved by Servius; on Æn. IV. 620. Cato dicit juxta Laurolavinium cum Æneæ socii prædas agerent, prœlium commissum est, in quo Latinus occisus est, fugit Turnus.—on I. 267. Secundum Catonem—Æneam cum patre ad Italiam venisse, et propter invasos agros contra Latinum Turnumque pugnasse, in quo prœlio periit Latinus.—on IX. 745. Si veritatem historiæ requiras, primo prœlio interemtus est Latinus in arce.

* Dionysius I. 59.

17 In agrum macerrimum littorosissimumque. Fabius Maximus in Servius on Æn. I. 3.

capital in its stead, as well as the number of the Latin townships[518].

The poetical story now passes over centuries to the epoch of the Etruscan dominion over Latium: with less carelessness than we might be inclined to impute to it, if, knowing nothing of Grecian chronology, it shortened the interval between the age of Æneas and the building of Rome.

Turnus fled for succour to Mezentius, the Etruscan king of Cære, being entitled to require it from him, as from his superior lord, to whom the Rutulians paid the first-fruits, due to the gods; or this was the price at which he purchased assistance[19]. With this overpowering enemy Æneas, as king of all the Latins, fought on the banks of the Numicius; Turnus fell, but the Latins fled; Æneas plunged into the stream, and was seen no more; his spirit, purified from earthly cares and exalted to divinity, was adored as Jupiter Indiges: and so long as a recollection of the ancient rites was preserved, the Roman consuls with the pontiffs offered a yearly sacrifice to him on the banks of this river[20]. Lavinium was closely besieged and reduced to despair; for the tyranny of Mezentius demanded the whole produce of the vineyards, or his impiety their first-fruits, as the sole condition of peace: until Jupiter accepted the vow of dedicating the produce of the next vintage[21] to him,

518 The latter in Lycophron also v. 1253—60. The story of the animals that contend at the founding of Lavinium (in Dionysius I. 59.), is evidently purely Latin.

19 Here too there is a complete fluctuation in the story. According to Verrius Flaccus (Fasti Prænestini a. d. IX. Kal. Mai.) Mezentius took all the wine for ever as the price of his aid: Ovid (Fast. IV. 879. ff.) has the same foundation for the tax, but limits it to half the produce: according to Cato in Macrobius III. 5. it was impiety, not rapacity: to the latter the first-fruits offered to the gods would have been an insignificant object.

20 Schol. Veron. on Æn. I. 260.

21 The variations in Macrobius and Ovid, and the attempts of Dionysius to give an historical colouring to the affair, it would be idle to repeat.

and despair lent strength. Mezentius fell by the hand of Iulus—it was not till late that Ascanius was introduced out of Greek books—and the descendants of Æneas became lords of Latium.

These wars Virgil describes, effacing discrepancies and altering and accelerating the succession of events, in the latter half of the Æneid. Its contents were certainly national; yet it is scarcely credible that even Romans, if impartial, should have received sincere delight from these tales. We feel but too unpleasantly how little the poet succeeded in raising these shadowy names, for which he was forced to invent a character, into living beings, like the heroes of Homer. Perhaps it is a problem that cannot be solved, to form an epic poem out of an argument which has not lived for centuries in popular songs and tales as common national property, so that the cycle of stories which comprises it, and all the persons who act a part in it, are familiar to every one. Assuredly the problem was not to be solved by Virgil, whose genius was barren for creating, great as was his talent for embellishing. That he felt this himself, and did not disdain to be great in the way adapted to his endowments, is proved by his very practice of imitating and borrowing, by the touches he introduces of his exquisite and extensive erudition, so much admired by the Romans, now so little appreciated. He who puts together elaborately and by piecemeal, is aware of the chinks and crevices, which varnishing and polishing conceal only from the unpractised eye, and from which the work of the master, issuing at once from the mould, is free. Accordingly Virgil, we may be sure, felt a misgiving, that all the foreign ornament with which he was decking his work, though it might enrich the poem, was not his own wealth, and that this would at last be perceived by posterity. That notwithstanding this fretting consciousness, he strove, in the way which lay open to him, to give to a poem, which he did not write of his own free choice, the highest degree of beauty it could receive from his hands; that he did

not, like Lucan, vainly and blindly affect an inspiration which nature had denied to him; that he did not allow himself to be infatuated, when he was idolized by all around him, and when Propertius sang:

> Yield, Roman poets, bards of Greece, give way,
> The Iliad soon shall own a greater lay;

that, when death was releasing him from the fetters of civil observances, he wished to destroy what in those solemn moments he could not but view with melancholy, as the groundwork of a false reputation; this is what renders him estimable, and makes us indulgent to all the weaknesses of his poem. The merit of a first attempt is not always decisive: yet Virgil's first youthful poem shews that he cultivated his powers with incredible industry, and that no faculty expired in him through neglect. But how amiable and generous he was, is evident where he speaks from the heart: not only in the Georgics, and in all his pictures of pure still life; in the epigram on Syron's Villa: it is no less visible in his way of introducing those great spirits that beam in Roman story.

ALBA.

When Jupiter in the Æneid consoles the weeping goddess, the mother of the hero, by revealing the future to her; how the empire of her son and his posterity was to rise from step to step, increasing still in glory and greatness, up to Rome, to which no limit and no term was assigned[522]; the three years promised for Æneas apply, not to the interval between his landing and his death, but to the duration of the little Troy on the Latian shore, until the building of Lavinium, the city of the united nation; though the former period was also reckoned to consist of the same number of years.

Thirty years afterward his successor led the Latins from the unhealthy low grounds on the coast to the declivity of Monte Cavo, from the summit of which the eye commands a view more ample than the dominion of Rome before the Samnite wars; in the light of the setting sun it can reach Corsica and Sardinia, and sees the hill which is still illustrated by the name of Circe, like an island, beneath the first rays of her divine sire. The site where Alba stretched in a long street between the mountain and the lake, is still distinctly marked: along this whole extent the rock is cut away under it right down to the lake. These traces of man's ordering hand are more ancient than Rome. The surface of the lake, as it has been determined by the tunnel, now lies far below the ancient city: when Alba was standing, and before the lake swelled to a

[522] It seems however as if 3000 years were assigned to Rome. Æn. I. 261—279.

ruinous highth in consequence of obstructions in clefts of the rock, it must have lain yet lower; for in the age of Diodorus and Dionysius * during extraordinary droughts, the remains of spacious buildings might be seen at the bottom, taken by the common people for the palace of an impious king which had been swallowed up †. Above the steep rock a wall was needless: the approaches on both sides were easily barred. Monte Cavo was the Capitoline hill of Alba; its summits required to be fortified, to secure the town from above: and there is great probability in the conjecture, that, as at Rome the temple and the citadel were distinct, so *Rocca di Papa* was the citadel of Alba.

This account of the foundation of Alba stands and falls with the Trojan legend: and if it be true that the Aborigines pressed forward out of the interior and made themselves masters of the coast, the only way of rendering it conceivable would be, to suppose that the Siculians recovered their strength and drove them back again. But if we attend to the tradition that a colony was sent back from Alba to the deserted Lavinium, because the Penates would not quit it ‡, we have here an unequivocal trace, that the Tyrrhenian cities themselves were forced to receive settlements of the ruling people. In this way there is nothing contradictory in the account that other towns, which according to other traditions existed before Alba, and even before the Cascans conquered the country, were colonies of Alba: although undoubtedly we are not to

* Dionysius I. 71.

† A similar legend is still current in the neighbourhood of Albano: its outlines, as it was related to one of the translators by a peasant boy who guided him to Frascati, are as follows. Where the lake now lies, stood once a great city. Here, when Jesus Christ came into Italy, he begged alms. None took compassion on him but an old woman, who gave him two handfuls of meal. He bade her leave the city: she obeyed: the city instantly sank, and the lake rose in its place. To set the truth of the story beyond dispute the narrator added, *Sta scritto nei libri*.

‡ Dionysius I. 67.

believe this of all the towns which bore the name of ancient Latins (*prisci Latini*). In times so totally obscure we have also no means of divining, whether the division of the Latins into thirty tribes is to be dated from the dominion of Alba, or took its rise later; I mean, when Servius Tullius united Rome and Latium as twin states.

The list of the Alban kings is a very late and extremely clumsy fabrication; a medley of names, in part quite unitalian, some of them repeated from earlier or later times, others framed out of geographical names; and having scarcely anything of a story connected with them. We are told that Livy took this list from L. Cornelius Alexander the Polyhistor[523]: hence it is probable that this client of the dictator Sylla introduced the imposture into history: even the variations in the lists are not very important, and do not at all prove that there were several ancient sources. Some names may have occurred in older traditions: kings of the Aborigines were also mentioned by name[24]; entirely different from those of Alba. In the case of the latter even the years of each reign are numbered: and the number so exactly fills up the interval between the fall of Troy and the founding of Rome according to the canon of Eratosthenes, as of itself to prove the lateness of the imposture.

For in earlier times the Romans reckoned three hundred years from the building of Alba to that of Rome[25]: even if this number occurred only in Virgil, still it would be perfectly clear that it was a statement of much higher antiquity, and there could be no question that he did not invent the progressive numbers three, thirty, three hundred. What the earlier poet had said, he might think himself justified in retaining: he would never for the sake of numerical symmetry have assigned

523 Servius on Æn. VIII. 330.

24 Stercenius for instance, unless it be a false reading. Servius on Æn. XI. 850.

25 Æn. I. 272.

such dates, the inaccuracy of which he perceived as well as every schoolboy from the tables of Apollodorus or Cornelius Nepos. But it is no less gratifying, than unexpected, that the ingenious Trogus Pompeius, treating the origin of Rome, like the earliest history of other nations, with discriminating freedom, should also reckon no more than three hundred years for Alba[526]; as did Livy himself, when he assumed four hundred years for the duration of Alba until its destruction about 100 U. C.[27] This however was not the only ancient chronological statement at variance with the Greeks. According to one which Servius has recorded, 360 years elapsed between the fall of Troy and the building of Rome[28], just as many as between the building of Rome and its being taken by the Gauls. Now we find two other statements, the combination of which leads us to this second number, and again reconciles it with the former: the first is, that Æneas lived seven years after the fall of Troy, wandering or warring[29]; the second, that Silvius could not take possession of the throne before his fifty-third year[30]. It is perhaps the only fact concerning Alba

[526] Justin XLIII. 1. Alba quæ trecentis annis caput regni fuit.

[27] Livy I. 29. Quadringentorum annorum opus, quibus Alba steterat. The same thing occurs in Servius on Æn. I. 272, as a difficulty: cum eam quadringentos regnasse constet sub Albanis regibus: and he solves it as in the text. Tanaquil Faber in a note on Livy has observed the reference to the passage in Virgil; and Duker on the same passage of Livy refers me to Dodwell de Cyclis, diss. X. p. 678, who has noticed almost all the passages I have cited, and has perceived the nullity of the Alban line of kings.

[28] Servius on Æn. I. 267. I hope I shall not promote mysticism and a childish trifling with numbers, when I remark the singular play of chance, that from the destruction of Rome by the Gauls to the conquest of Alexandria, the foundation of the monarchy; and from the latter event to the dedication of Constantinople, there intervene in each case 360 years.

[29] Dionysius I. 65. and Servius on Æn. I. 259; since he assumes 4 years for the wanderings of Æneas; to which must be added the three more in the Latian Troy.

[30] I am aware that Servius on Æn. VI. 770. relates this of Silvius Æneas: but it seems quite evident that what was invented for the one Silvius has in this case been transferred to the other; who is wholly wanting in Ovid. It is what has happened in numberless instances.

which we can admit as historical, that a Silvian house reigned there: now if according to the Latin tradition, such as it was independent of the Trojan legend, Silvius was the founder of that city, and three hundred years were taken as the interval between the beginning of his reign and the building of Rome; then in order to adapt him to the Trojan legend, and to fill up the interval of three hundred and sixty years between Troy and Rome, it became necessary to take fifty-three years from the death of Æneas as the time during which Silvius, a postumous son, was unjustly excluded from the throne. And it is for the sake of reconciling these native Alban Silvii with the Trojan legend, that the posterity of Ascanius are removed out of the way by the abdication of Iulus.

It is from Silvius as their maternal ancestor that the Roman tradition derived the founders of the city; not the Romans as a colony from Alba.

ROME.

VARIOUS TRADITIONS ABOUT THE FOUNDING OF THE CITY.

Among all the Greek cities built after the return of the Heraclidæ, there was none so insignificant, that Ephorus, and the writers who after him introduced the origins of cities into general history, would have been unable to state specifically and with sufficient certainty the people from which the colony had issued, and the founders who led it and gave laws to it; in far the most cases they also fixed the epoch of the foundation. When Rome was founded, which yet is supposed to be more recent than perhaps the greater part of those Greek cities;[1] from what people the eternal city originally arose; is precisely what we do not know. But it is no less suited to the eternity of Rome for its roots to lose themselves in infinity, than what the poets sang of the rearing and deification of Romulus, befits the majesty of the city. A god, or no one, must have founded it.

Now while I acknowledge this with a love, the sincerity of which none but a bigot, insincere himself, could seek to call in question, while I allow the heart and the imagination their full rights; I at the same time assert the claims of the reason, to take nothing as historical which cannot be historical; and, without refusing to the noble tradition its place at the threshold of the history, to inquire whether it can be in any degree ascertained to what

people the original Romans may have belonged, and what changes attended the rise of that state which, when the light of historical truth begins to dawn, is Rome.

When the inhabitants of Roma, as their town began to rise out of insignificance, and they could utter the Roman name with joy, looked back upon their dark period, and retraced in thought the growth of their community; it was natural for them to call the founder of their nation Romus, or, with the inflexion so usual in their language, Romulus. If there was in their neighbourhood a town called Remuria, inhabited by a kindred race, which had been sometimes allied, sometimes hostile to them, and had sunk before their arms, they might consider its founder, Remus, as the twin brother of Romulus, slain by him in a fit of irritated passion: and in proportion as a double state, of peculiar character, established itself amongst them, the fiction which represented the city as founded by twins, became the more firmly fixed. Romulus might have been invented by foreigners as well as by the Romans themselves; but not so this latter view, which occurs in no other state, and is so peculiarly adapted to Rome. The shewolf's den, the fig-tree at the roots of which the sucklings were saved, all the relics of Romulus, and the rich poem containing so many features connected with local circumstances which were unknown to foreigners, contribute no less to shew that the tradition sprang up on the very site of the city. How all this acquired shape in the mind and on the lips of poets and storytellers; how many generations passed while traditions of other nations, which perhaps had long been current, were applied to the origin of Rome, before what had begun as poetry, became popular belief; this must and may be indifferent to us. If the annals were restored in the chronological outline peculiar to them soon after the taking of the city by the Gauls, it is clear, and indeed in other respects it admits of no doubt, that in them Romulus appeared as the first king, just as he did in the later.

Considering how few monuments have been preserved to us from the early ages of Rome, it may pass for an ancient testimony of an actual popular belief recognized by the state, that in the year 458 bronze figures of the she-wolf and the babes were set up near the Ficus Ruminalis; the oldest and finest work of Roman art; which like the Homeric poems has reached us, though so much that was more recent has been lost.

What settled as popular belief, was, that Rome was built by twin-brothers, born of a princess whom Mars had deflowered, delivered by divine protection from death in the waves, and fostered and suckled by a shewolf, the animal sacred to their sire. The outlines of this tradition could not fail in the course of time to receive the most various modifications; probably still more than the two main forms in which it appears to us, according as it is referred to Alba and the Silvii, or to Æneas.

I defer yet a while relating the former of these legends, which every one knows, and to which, if it were not in some degree interesting to restore particular features that have been altered in the later representations, it would be sufficient to allude: the second, which was adopted by Nævius and Ennius, called the unfortunate princess, Ilia, the daughter of Æneas[531]. We may conjecture that here also she was represented as a Vestal; else it seems there would have been no pretext for condemning her to death. She was thrown into the Anio: out of this stream her fortune rose again[32]: the river-god made her his bride[33]. Virgil's description of the generous brute feeding and caressing the babes in her den, was framed after Ennius[34]. In the latter poet also the tyrant was called Amulius; and that he bore the same name even in Nævius,

[531] Hence came the story of Æmylia and Ares. Plutarch Romul. c. 2. p. 18. d.

[32] Post ex fluvio fortuna resistet: Ennius p. 124.

[33] Servius on Æn. I. 274, and VI. 778. Acron and Porphyrius on Horace Od. I. 2.

[34] Servius on Æn. VIII. 631.

seems hardly questionable; since this is a correction that suggests itself so readily, and another is scarcely to be found for a very corrupt fragment[555]: but I cannot discover the slightest indication, whether the old poets supposed any affinity between this Amulius and the race of Æneas; or how they accounted for Ilia being subject to the former; or whether they made mention of Ascanius or Silvius. In the fragment of Ennius Ilia is an orphan; for her father appears to her in a dream; her sister, to whom in her disquietude she relates the nocturnal vision, is the daughter of an Eurydice.

The ingenious Perizonius, whose subtile observations were lost on his contemporaries, has shewn that the mother of Romulus, when she is called Ilia, is always represented as the daughter of Æneas; when Rea Silvia, as an Alban princess; and that Ilia is never called Rea[56]: I add, that the reading Rhea is a corruption introduced by the editors, who very unseasonably bethought themselves of the goddess: *rea* seems only to have signified the culprit[57]. It is true, the semblance of a proper name may have arisen early: at least it was certainly from some tradition or other that Virgil took the priestess Rea, who bare Aventinus to Hercules[58]; a duplicate of the Alban Silvia with a happier destiny; perhaps the daughter of Evander.

Rea Silvia has not any necessary connexion with Æneas. That the tradition concerning her is more ancient than that concerning Ilia, I conjecture because the computation, which makes 333 or 360 years intervene between Troy and Rome, is to all appearance at least a century and a half older than Nævius. Only it is inexplicable how they who reckoned the years of Rome in this way, could adopt Ilia: when the Grecian computations, which

555 See in Hermann. Elem. doctr. metr. p. 631.

56 Excursus on Ælian. V. H. VII. p. 510. ff.

57 Or the guilty woman: it reminds us of *rea femina*, which often occurs, particularly in Boccaccio.

58 Æn. VII. 659.

extended that interval to between 430 and 440 years, became generally known, she necessarily disappeared. I hold it to be almost certain, that Ilia was imported into Latium out of some unknown Greek poem, one of those which brought Romulus close to the time of Æneas.

A careless expression of Plutarch, which in fact only asserts that one Diocles of Peparethus first made the story of Silvia known to the Greeks*, in consequence of Plutarch simply adding that Fabius had for the most part followed Diocles, has unaccountably led to the opinion that the story was invented by this unknown Greek, a person so insignificant that Dionysius does not even admit him into his host of Greek authorities. Nothing but Plutarch's expressly saying that the senator, whose narrative coincided with the sacred songs[539], had copied a Greek, and had himself acknowledged it, could compell us to yield to the evidence of so incredible a fact: as no such evidence exists, there is nothing to prevent us from supposing, that Plutarch only inferred what he says from the agreement of the two writers, because Diocles was perhaps a little the elder: nevertheless it was from Romans that he heard, what the Greeks read for the first time in his work.

Of the other Roman accounts, Dionysius mentions one, where Romulus and Remus appear as grandsons of Æneas, delivered up by him as hostages to Latinus, who left them heirs to a part of his kingdom[40]: he also cites another which is copied from Cephalon[41]. Among the Roman writers preserved to us, Sallust alone unequivocally and expressly adopts the opinion which carries Rome back to the Trojan times; undoubtedly for no other purpose than to get rid of Romulus and the marvellous fable: it is a characteristic feature, that for the sake of this he admits the settlement of Æneas though no

* Romul. 3.

539 Dionysius I. 79. See below note 566.

40 Dionysius I. 73.

41 Dionysius I. 73. See below notes 550 and 560.

way more historical. If Velleius spoke of the armies of Latinus supporting his grandson Romulus at the founding of the city, since he notwithstanding assumes the common era for the building, he would confound the two opinions in a manner so thoughtless and so contrary to his custom, that we cannot but adopt the correction of Lipsius [542].

If the native legend however is simple in the main, the statements of the Greeks as to the founder of Rome and the person after whom it was named, present greater varieties than occur in the case of any other city. It is clear that the Greeks were early aware of the power and importance of Rome, before intercourse had made them acquainted with the Romans; and so they introduced this people into their genealogies: but as nothing was said of it in any poem of general notoriety, and it was very late when the native legend crossed the sea, many invented what served to express their views. These accounts do not indeed properly deserve to be called traditions, and they might be passed over without depriving this history of anything essential: but as the reports of them are so utterly confused that no slight pains are necessary to arrange them for a general view, and as I have attempted to do so, I will allow them the inconsiderable room which they require when reduced to order. Another will thus be spared a troublesome task; and one who does not take a complete survey of them, is apt to expect what they do not in the least afford [43].

Among these fictions however we are by no means to class the mention made of Rome by Antiochus, who related that Sicelus was flying from that city when he came to the Italian king Morges [44]. Hereby he designates Roma

542 Adjutus legionibus Latinis avi sui; not Latini. Velleius I. 8.

43 They are preserved by Dionysius I. 72, 73; Plutarch Romul. 2. 3. p. 17, 18; Servius on Æn. I. 274; and Festus v. Roma. Solinus has only made extracts, like Festus, but far more scantily, from Verrius Flaccus, who himself seems chiefly to have drawn from Dionysius.

44 Dionysius I. 73.

as a principal city of the Tyrrhenian Siculians; so that he contradicts the opinion of its Trojan origin; although he cannot on that account be reckoned among those who deny the settlement of the Trojans in Latium. Connected with this view is the statement that Rome was founded by Pelasgians. They who held this people to be Greeks, said the name they gave the city alluded to their martial vigour: while such as looked upon them as an Italian race, fabled that the first name was Valentia, and that afterward, when Evander and Æneas took possession of the country with their followers who spoke Greek, it was exchanged for the corresponding Greek word[545]. And according to that quality in traditions which we have often remarked, we must account among the reports of a Pelasgic origin the legend that the author of the name was Romus, a Latin tyrant, who had driven the Lydian Tyrrhenians out of this region[46]. Many writers, says Dionysius, call Rome a Tyrrhenian city[47]: by this, it is probable, most of them, like Scylax, understood an Etruscan; the earlier however may have meant a Pelasgian.

With these exceptions, the Greeks who mentioned the founding of Rome before the Siceliot Timæus, were unanimous in their opinion, that the city was built immediately, or in the next generations, after the fall of Troy. But on one point they were divided: while most of them considered the Trojans as the founders, alone, or together with the Aborigines; some on the other hand held for Greeks, some in fine for a band composed of both nations.

Among the adherents of the first opinion few named

545 Anonymous writers in Plutarch: a Cumæan chronicle in Festus: Adeius (apparently a misreading) in Servius. The chronicle of Cuma makes the Pelasgians proceed from Athens through Thespiæ (in Bœotia) to the Tiber, as the Greeks give to their emigration precisely the opposite direction. In the very corrupt passage of Festus I venture, instead of subjecti qui fuerint Caeximparum viri, unicarumque virium, to read, subj. q. f. Caci, improbi v. un. v.

46 Plutarch. This is another instance of an inverted fable.

47 Dionysius I. 29. Scylax reckons Tyrrhenia to extend μέχρι Ῥώμης πόλεως.

Æneas himself as the founder; a far greater number Romulus, whom they described sometimes as his son (and who according to some writers came over to Italy, according to others was born of an Italian mother), sometimes as his grandson, or more remote descendant[548]. Callias, the historian of Agathocles, recognized Romulus and Romus as the founders of the city, calling them the sons of king Latinus by a Trojan heroine, Roma, who had persuaded the women to put an end to their wanderings by setting fire to the ships: the same fable is alluded to by Lycophron[49]. Even Cephalon of Gergithes, the most ancient of the writers that are quoted, called both Romulus and Romus the two younger of the four sons of Æneas, who is said by him to have died on the peninsula of Pallene. Ascanius shared his inheritance with them, whereupon they emigrated, and founded Rome, Capua, and two fabulous cities, Anchise and Ænea[50]. This was copied by a Roman whose name Dionysius does not mention; and who absurdly added,

548 Æneas is supposed to be the founder by those who derived the name of the city from his wife Roma; the daughter of Telemachus (Clinias in Servius), of Italus, or of Telephus (Plutarch): Romulus, or Romus, or both, the son or sons of Æneas, and of Creusa, Priam's daughter (the old scholia on Lycophron in Tzetzes on v. 1226; probably also Cephalon, Agathyllus, and Demagoras, in Dionysius), of Dexithea (Plutarch), of Lavinia (Apollodorus in Festus); the grandsons of Æneas, sons of Ascanius (Eratosthenes in Servius, Dionysius of Chalcis in Dionysius). To this account also belongs Roma, the daughter of Ascanius: (Agathocles of Cyzicus in Festus). According to another account of the same Agathocles Romulus is a still more remote descendant of Æneas: and one Alcimus (in Festus) called Romulus the son of Æneas, but Romus, the grandson of Romulus by Alba, the founder of the city. There is a connexion with the Trojan legend in that which terms Romus the son of Emathion, sent by Diomedes from Troy. Plutarch.

49 v. 1252, 53. where we are clearly not at liberty to read ἔξοχον ῥώμῃ γένος with some manuscripts, instead of ἔξ. Ῥώμης γένος. Roma plays a part in these fables under the most various forms. She sets fire to the ships of the Trojans, or of the Greeks; is the daughter of that virago, of Italus, of Telephus, of Ulysses, of Telemachus, of Ascanius, of Evander (thus the same with the Launa married to Hercules); a priestess who prophesied to Evander (that is, Carmentis): and the same heroine is represented as wedded to Æneas, to Ascanius, and to Latinus.

50 Dionysius I. 73. The name Anchise might perhaps be formed from Anxur.

that this most ancient Rome had afterward been destroyed, and had been rebuilt by a second Romulus and a second Remus.

The Greeks, motley as are the changes that all the other circumstances undergo, early connected the two brothers: and hence with them, even when they wrote their Roman history according to native accounts, the Remus of the Latins always goes by the name of Romus.

With regard to the second opinion, according to which Rome was a Grecian city founded at the time of the return from Troy, I have already mentioned that Aristotle reported it[551]. It also discloses itself where a son of Ulysses and Circe is termed the founder of Rome[52]. That the Romans were in any other respect of Grecian origin, that they were a colony of the later strictly Grecian tribes, could not occur either to Heraclides Ponticus[53] at the beginning, or to King Demetrius Poliorcetes[54] after the middle of the fifth century. We may add that, according to the Greek way of thinking, it was a politic method of influencing powerful barbarians, who were not to be commanded, to treat them as of Greek extraction: this was the last refinement of flattery. Here the Trojan legend is excluded: it was only at a very late period that the Trojans, after they had entirely disappeared, began to be accounted among the Greeks: Scylax terms the Elymians of Sicily Trojans and barbarians[55]. From this Greek legend Callias introduced Roma and the burning the ships into the Trojan.

551 Rome cannot have been unknown to one, who related peculiarities of manners so insignificant as the custom of greeting relatives with a kiss (Plutarch Quæst. Rom. 6. p. 265. b.), though he adopted the legends of the Italian Greeks on its antiquities.

52 Romus (Xenagoras in Dionysius); Romanus (Plutarch). That Romus is here a gentile name, is proved by his brothers Ardeas and Antias: Xenagoras seems to have been one of those who asserted the Tyrrhenian character of the city.

53 Plutarch Camill. 22. p. 140. a.

54 Strabo v. p. 232. b: where we ought to read, τοὺς ἁλόντας τ. λ.

55 p. 4.

The last-mentioned medley prevails in Lycophron[556], who introduces a band of Mysians under Tarchon and Tyrrhenus the sons of Telephus: it also occurred, as Dionysius informs us, in the chronicle which followed the succession of the Argive priestesses. In this legend the founders of the colony are Trojans; in Callias the brothers, descendants of Æneas; in Lycophron and the Argive chronicle Æneas himself: the Greeks are companions of Ulysses. The latter hero continues to be introduced even by the more recent poets into the fabulous history of Latium; and he too was connected with Romulus and Remus; since Latinus, whose sons by the Trojan heroine Roma they are called in this shape of the story also, is said to be the grandson of Ulysses through Telemachus[57].

Apart from all these writers stands Scylax, who adds the ennobling epithet ἑλληνὶς to every city of Grecian origin, even when degraded by barbarian conquest, and who calls the Elymians Trojans; and others, who agreed with him according to Dionysius in ascribing Rome to the Tyrrhenians[58].

I have mentioned Timæus of Sicily as being apparently the first Greek historian who introduced Romulus and Remus into history as late descendants of Æneas. He wrote not many years after Callias, whose opinion he cannot have adopted, since he supposed the building of Rome contemporaneous with that of Carthage; and he dated the latter nearly 380 years after the destruction of Troy. Perhaps however this was also the account of Hieronymus the Cardian, who in his history of Alexander's successors, written about the time of Timæus, gave a short relation of the early history of Rome; the meagerness of which Dionysius censures, as well as that of Timæus

556 v. 1242. foll.

57 There are some other statements concerning the foundation of Rome, which cannot be adapted to this arrangement: Romus is called by Antigonus in Festus the son of Jupiter; by an anonymous author in Dionysius the son of Italus and of Electra, the daughter of Latinus.

58 Peripl. p. 2. See above note 547.

and Polybius, though in them the narrative was already become more copious[559]. He guards himself against the suspicion of a fabrication, should his readers find in him something more than those three writers contained; but not in the case of their relating anything totally different. Yet even after their time the older Grecian legend was preserved among the philologers and readers of antique curiosities who sprang up at Alexandria; among those who would draw from no source but the early literature of Greece. Heraclides Lembus, about 600 U. C., repeated Aristotle's account of the Achæans and the captive Trojan women: the old scholia on Lycophron, which, perhaps even in their original form, were of a still later date, called Romulus and Romus sons of Creusa, the daughter of Priam: indeed even Orus of Thebes, who cites Cephalon, describes them as sons of Æneas and founders of Rome[60].

559 I. 7.

60 Etymolog. Magn. v. Καπύη et Ῥώμη. Compare the note by Sylburgius. A remarkable instance of the way in which the fables received from Italy were confounded, is afforded by the account of one Promathion in Plutarch; where the legends concerning the birth of Romulus and that of Servius are mixed together in the strangest manner.

ROMULUS AND NUMA.

The old Roman legend ran as follows: Procas king of Alba left behind him two sons: Numitor, the elder, weak and spiritless, suffered Amulius to wrest the government from him, and reduce him to his father's private property. In the possession of this he lived rich, and, as he desired nothing more, secure: but the usurper dreaded the claims that might be set up by heirs of a different character. He therefore caused Numitor's son to be murdered, and appointed Silvia, his daughter, one of the vestal virgins.

Amulius had no children, or at least only a single daughter; so that the race of Anchises and Aphrodite seemed on the point of expiring, when the love of a god, in opposition to the ordinances of man, gave it perpetuity and a lustre worthy of its origin. Silvia had gone into the sacred grove, to draw pure water from the spring for the service of the temple: the sun quenched its rays; at the sight of a wolf she fled into a cave[561]; there Mars overpowered the timid virgin; and then consoled her with the promise of noble children, as Posidon did Tyro, the daughter of Salmoneus. But he did not protect her against the tyrant, nor did her protestations of innocence save her: the condemnation of the unfortunate priestess seemed to be demanded by Vesta herself, when at the moment of the childbirth her image in the temple hid its

561 I insist in behalf of my Romans on the right of taking the poetical features wherever they are to be found, when they have dropt out of the common narrative: in the present case they are preserved in Servius on Æn. I. 274: the eclipse in Dionysius II. 56, and Plutarch Romul. c. 27. p. 34. e.

eyes, her altar trembled, and her fire died away[562]; and Amulius was allowed to order the mother and her twin babes to be drowned in the river[63]. In the Anio Silvia exchanged her earthly existence for deity: the river was also enabled to carry the bole or cradle wherein the children were lying into the Tiber, which had at that time overflowed its banks far and wide even to the foot of the woody hills. At the root of a wild fig-tree, the Ficus Ruminalis, which continued to be preserved and held sacred for many centuries at the foot of the Palatine, the cradle overturned. The she-wolf had come to slake her thirst in the water of the river; she heard the whining of the children, carried them into her den hard by[64], made a bed for them, licked and suckled them: when milk was no longer sufficient, the woodpecker, the bird sacred to Mars, brought other food: other birds consecrated to auguries hovered over the babes, to drive away the insects. This wonderful spectacle was observed by Faustulus, the shepherd of the royal flocks: the she-wolf gave way to him, and resigned the children to human nurture. Acca Larentia, the shepherd's wife, became their fostermother; they grew up along with her twelve sons[65] on the Palatine hill, in straw huts which they built for themselves: that of Romulus was preserved by continual repairs down to the time of Nero, as a sacred relic.

562 Ovid. Fast. III. 45.

63 In poetry of this sort we have no right to ask; why in the river?—whichever of the two it be:—and not in the Alban lake?

64 It is remarkable how even they who did not renounce the poetry of the narrative, endeavoured to reduce it to a minimum; to the fostering care of the wolf at the moment when she found the little orphans by the Ficus Ruminalis: as if in this case, as well as that of S. Denis, every thing did not depend on the first step. The Lupercal itself bears witness to the genuine form of the fiction; and so the two poets conceived it. Virgil paints the cave of Mavors: Ovid sings (Fast. III. 53.), Lacte quis infantes nescit *crevisse* ferino, Et picum expositis *sæpe* tulisse cibos. Nor did the poetical feature escape the notice of Trogus: cum *sæpius* ad parvulos reverteretur. The story of the woodpecker and its ψωμίσματα was not invented of new-born infants.

65 Masurius Sabinus in Gellius N. A. VI. 7.

They were the most active of the shepherd lads, brave against wild beasts and robbers, maintaining their right against every one by their might, and converting might into right. Their spoil they shared with their comrades; the adherents of Romulus were called Quinctilii; the followers of Remus Fabii; and now the seeds of discord were sown. Their wantonness raised disputes between them and the shepherds of the wealthy Numitor who fed their flocks on mount Aventine: so the Palatine and Aventine quarrel in the tales of the remotest times; as Evander and Cacus lived in hostility. Remus was taken by a stratagem of these neighbours, and dragged to Alba as a robber. A foreboding, the remembrance of his grandsons awakened by hearing the story of the two brothers, restrained Numitor from a hasty sentence: the culprit's fosterfather hurried with Romulus to the city, and disclosed to the old man and the youths their mutual relation. The youths undertook to avenge their own wrong and that of their house: with their trusty comrades, whom the danger of Remus had called into the city, they slew the king; and the people of Alba became again subject to the rule of Numitor.

This is the old tale, such as it was written by Fabius, and sung in sacred ancient lays down to the time of Dionysius[566]. It certainly belongs to anything rather than to history: its essence is the marvellous; we may strip this of its peculiarities, and pare away and alter, until it is reduced to a possible every-day incident; but we ought to be firmly convinced, that the caput mortuum which will remain will be anything but an historical fact. Mythological tales of this sort are misty shapes, often no more than a Fata Morgana, the prototype of which is invisible, the law of its refraction unknown; and even were it not so, still it would surpass any powers of

566 I. 79. ὡς ἐν τοῖς πατρίοις ὕμνοις ὑπὸ Ῥωμαίων ἔτι καὶ νῦν ᾄδεται.

reflexion, to proceed so subtly and skilfully, as to be successful in divining the unknown prototype from these strangely blended forms.) But such magical shapes differ from mere dreams; they are not without a hidden foundation of real truth. The name of dreams belongs to the fictions imagined by the later Greeks, after the tradition had become extinct, and when individuals indulged a wanton licence in altering the old legends; not aware that their diversity and multiplicity had been the work of the whole people, and was not a subject for individual caprice to deal with.

Love for the home that fate had assigned to them, recalled the youths to the banks of the Tiber, to found a city there. The territories of the more ancient neighbouring towns, Antemnæ, Ficulea, Tellena, confined them to a narrow district; and that of Rome in its earliest times cannot be conceived to have extended in the direction of Alba so far as Festi, between the fifth and sixth milestones, where, as at the border of the original ager Romanus, the Ambarvalia were solemnized yearly in the reign of Tiberius[567]. The shepherds, their old comrades, were their first citizens; of their being joined by Albans, nay even by Trojan nobles, the ancient tradition certainly knew nothing: the Julii and similar houses appear not till after the destruction of Alba. Ruling with equal power, and left to themselves, the brothers now disputed which was entitled to the honour of being founder of the city, and of calling it after his name Roma or Remoria; and whether it was to be built on the Palatine or the Aventine; according to another tradition, whether on the Palatine, or four miles further down the river[68]. Each observed the heavens from the top of his

567 Strabo v. p. 230. a.

68 This would probably be the hill beyond S. Paolo. I have no doubt that there was a place called Remoria; and this eminence is very well adapted for a town, the air being healthy. Ennius too must have had a more distant spot in his mind, since with him it is Romulus that makes his observations on the Aventine, p. 19.

chosen hill: he to whom the augury should be favorable, was to decide as king. The person who sought for auspices used to rise in the stillness of midnight, to determine in his mind the limits of the celestial temple, and then wait for presaging appearances. The whole day passed, and the following night: at length Remus first perceived six vultures flying from the north southward; but at sunrise, as these tidings were announced to Romulus, a flock of twelve vultures flew by him. Right was on the side of his brother: but Romulus relied on the double number of his birds as an evident sign of divine favour; and his party being the stronger decided in behalf of his usurpation[569].

It seems as if this augury of the twelve fated birds had originally been a poetical mode of expressing an Etruscan prophecy, that a period of twelve secles was allotted to Rome: and as if it was not till afterward that the allegory assumed the shape of a legend, and was then expounded back again into its first meaning: this was done so early as Varro's time by a celebrated augur named Vettius[70]. The prophecy was never forgotten, and in the twelfth century of the city, which is divided between the fourth and fifth of our era, filled all the adherents of the old religion with alarm, as every thing was visibly verging toward ruin, and their faith was oppressed. According to Varro's Fasti the twelfth secle, if each, according to the custom of the later Romans, was assumed equal to a century, would end with the year 446: but although the train of calamities that broke in with the fifth century of our era, rendered this interpretation probable to those who were then living, a Tuscan aruspex would nevertheless have rejected it. As an average number for secles of an indefinite length determined by the life of man, and as an astronomical cyclical period, 110 years

569 Ennius says nothing of the birds seen by Remus: much less does his account admit fraud on the part of Romulus.

70 Varro l. 18 Antiquitatum, in Censorinus, 17. From his name he should be a Marsian.

were properly the measure of a secle[571]. Now this brings the sum of the years contained in twelve secles to 1320, and the end of the existence of Rome to an epoch when it may be said with strict truth that the city of Romulus ceased to be. According to Varro's chronology the twelfth secle would have ended with A.D. 566: according to Cincius, to whom the Etruscan, on grounds that will appear further on, would probably have given the preference, with A.D. 591, the first year of the pontificate of Gregory the Great. In either case the time expires in the latter half of the sixth century of our era: when the city, after having been more than once taken by storm, saw the remnant that the sword had spared, wasting away by hunger and pestilence; when the senate and the old families which were still left, were exterminated by Totila, so that scarcely the name of senator, and a shadow of a municipal constitution survived; when Rome was subjected to the degrading rule of an Eastern exarch who resided at a distance from her; when the old religion, and along with it all hereditary usages, were abolished, and a new religion was preaching other virtues and another kind of happiness exclusively, and was condemning sins unreproved by the old morality; when the ancient sciences and arts, all old memorials and monuments, were looked upon as an abomination, the heroes of former ages as doomed to hopeless perdition; and Rome, for ever disarmed, was become the capital of a spiritual empire, which after the lapse of twelve centuries we have seen interrupted in our days. The Tuscan would perhaps also have interpreted the six secles corresponding to the legitimate augury of Remus, as signifying the duration of the legal and free constitution, and have reckoned them down to the times of Sylla or of Cæsar: for every interpretation of a prophecy requires free room, and this might have been justified in either way.

The foundation-day of Rome was celebrated on the

[571] Censorinus 17. See above, p. 114.

festival of Pales, the 21st of April, when the country people, the earliest inhabitants of Rome, besought from the goddess of shepherds protection and increase for their flocks, and pardon for the involuntary violation of consecrated spots, and purified themselves by passing through a strawfire, as our ancestors used to kindle fires on May-day

Romulus now prepared to determine the Pomœrium[572]: he fixed a copper share on a plough, yoked a bullock and a heifer to it, and drew a furrow round the foot of the Palatine, so as to inclose within it a considerable compass below the hill. The person who thus marked out a Pomœrium, was so to guide the plough that all the clods should fall inward: he was followed by others who took care that none was left turned another way. In the Comitium[73] a vault was built under ground, and filled with firstlings of all the natural productions that sustain human life, and with earth which each foreign settler had brought with him from his home: this place was called *Mundus*, and was the door of the nether world which was opened on three several days in the year for the spirits of the dead[74].

On the line of the Pomœrium the city was inclosed with a wall and ditch. Remus, still resenting the wrong he had suffered, sprang in mockery over the puny rampart: for this he was slain by Celer, or by Romulus himself, and the omen was fixed, that no one should cross the walls but to his own destruction. Romulus however abandoned himself to grief, rejected comfort and food, until the shade of Remus appeared to their foster-parents, and promised reconciliation on condition of a festival for the

[572] I will not interrupt my statement of the legend, with what I have to say on the signification of the Pomœrium, and on the course of that attributed to Romulus.

[73] A line drawn between 100 and 200 paces to the south of and parallel with one running from S. Maria Liberatrice to what was once called the temple of Concord (the Basilica of the Cæsars), would pass through the Comitium.

[74] Plutarch Romul. c. II. p. 23. d. Festus v. Mundus.

souls of the departed[575]. As a permanent mark of honour a second throne was set by the side of the king's, with the sceptre, crown, and other badges of royalty[76].

Every stranger found admission in the new city: exiles, and fugitives for homicide, who commonly could only obtain toleration as sojourners in a foreign land, even runaway slaves and criminals, were welcome[77]. Only these people were single and wanted wives; Romulus endeavoured to form treaties with the neighbouring tribes, such as were necessary in Italy as well as in Greece, to render marriages with foreigners legitimate[78]: but the wild suitors were not less displeasing, than the dangerous horde they belonged to was alarming. The refusal was insultingly expressed: they who gave it, fancied, like all who think haughtily of themselves, that the humbled party would feel himself deservedly rebuked for his presumption. They conceived no suspicion therefore, when Romulus proclaimed festive processions and games in celebration of the Consualia[79], and invited his neighbours, the Latins and Sabines; for Rome stood where the territories occupied by those two nations intersected each other. Many came as to a fair; indeed festivals of this kind were always fairs, and in Italy, as in Greece and in the East, were under the safeguard of religion; but neither religion

575 The Lemuria. Ovid. Fast. v. 451—480.

76 Servius on Æn. I. 276.

77 Still in ancient times this rabble could not be conceived to have formed a considerable part of the population: for the asylum was a little inclosure on the Capitoline hill, and as an asylum could afford protection only within its precincts.

78 From this it is clear that the earliest tradition did not consider Rome as a colony of Alba and as a Latin city; much less say anything about an emigration of noble houses. As a colony Rome would have had the right of intermarriage with all Latin cities from the first. I am here still speaking only of that consistency in which old poetical fictions are by no means deficient, not as of historical events.

79 This festival, sacred to the god of secret deliberations, was solemnized symbolically by uncovering an altar buried in the earth: hence the history of Romulus has been enriched with the tale, that the discovery of this altar was the occasion or pretext of the festival.

nor the laws of hospitality protected the deceived strangers, and their virgins were carried off[580]. The old legend spoke of no more than thirty captive maidens; this cannot be denied, but has been reluctantly admitted[81]; even by Livy, though he tells the tale of these times like a history, but not as history; his poetical feeling enabled him to comprehend these better than the obscure historical times.

The nearest of the outraged cities, three that belonged to the Latins or Siculians, Antemnæ, Cænina, and Crustumerium, took up arms without accord, while the Sabines lingered until all three had fallen one after the other, and Romulus had won the royal spoils from Acron of Cænina; whose unitalian name proves how long Pelasgian recollections lived on in the legends of those times. At last Titus Tatius led a powerful army against Rome. Unable to oppose resistance in the field, Romulus retreated into the city, over against which the Saturnian hill, afterward called the Capitoline, was fortified and garrisoned: a swampy valley, which subsequently became the forum, parted the two hills. The golden bracelets and collars with which the Sabines were adorned[82], dazzled Tarpeia: for this price she opened a gate of the fortress which had

580 The rape was generally placed in the fourth month of the first year of the city. But let not this be considered as a tradition: the Consualia being celebrated in Sextilis, this gave the fourth month after the Palilia. Cn. Gellius alone dated the rape in the fourth year; not without the approbation of Dionysius (II. 31.). Now here we have an evident fabrication: so sensible a man of course held it impossible that a stroke of this sort should have been hazarded before the city was fortified, and he made use of the number which had been assigned to the month; concluding that the old legend had confounded the month and the year.

81 Plutarch Romul. c. 14. p. 25. e. and Livy I. 13. Id non traditur, cum haud dubie aliquanto numerus major hoc mulierum fuerit, ætate an dignitatibus an sorte lectæ sint, quæ nomina curiis darent. He did not observe how uniformly this number, thirty, prevails in the legends as well as in the institutions of ancient Rome.

82 The Roman poet conceived the poor Sabines covered with gold, as, Fauriel remarks, the bards of modern Greece do their Clephts. Here is popular poetry unequivocally obvious for one who has eyes to see it. The fiction of Propertius (IV. 4.) seems to be a transfer, warranted by no tradition, from the story of the Megarian Scylla.

been entrusted to the command of her father: crushed by the load of the ornaments hurled upon her, she expiated her crime by death. Yet her grave was shewn upon the hill; and wrongheaded sceptics asked, whether it was conceivable that such an honour should have been paid to a traitress? they forgot that the hill continued to be Sabine.

The remembrance of her guilt still lives in a popular legend. The whole Capitoline hill is pierced with quarries, passages of remote antiquity worked through the loose tufo: many of these have been walled up; but near the houses erected upon the rubbish which covers the hundred steps, on the side of the Tarpeian rock that looks toward the forum, beside some ruinous buildings known by the name of the Palazzaccio, several are accessible. A report of a well of extraordinary depth, which must have been older than the aqueducts, since no one would have spent the labour on it afterward, and which no doubt secured a supply of water to the garrison during the Gallic siege, attracted me into this labyrinth: we were conducted by girls from the adjoining houses, who related as we went, that in the heart of the hill the fair Tarpeia[583] sits, covered with gold and jewels, enchanted: he who endeavours to reach her, never finds out the way; once only she had been seen by the brother of one of our guides. The inhabitants of this quarter are smiths and low victuallers, without the slightest touch of that seemingly living knowledge of antiquity which other classes have drawn from the most turbid sources of vulgar books. Real oral tradition has kept Tarpeia for five and twenty hundred years in the mouth of the common people, who for many centuries have been strangers to the names of Clœlia and Cornelia.

The Sabines attempted to storm the city itself: it was on the point of falling; the gods disputed with each other its destiny and that of the world: Juno, who was

[583] *La bella Tarpeia*, like *la bella Cenci*, includes an intimation of tenderness for an acknowledged criminal.

adored with peculiar honours at Cures, was favorable to the Sabines and hostile to the race of Æneas; she had opened a gate, which no human force could shut; but Janus caused a boiling spring to gush forth, and it repelled the assailants *.

The next morning Romulus on the other hand attacked the lost fortress as ineffectually: but it was not in vain that he vowed a temple to the flight-checking Jupiter, when his troops were repulsed and fled to the gate at the bottom of the Palatium. The whole day long victory shifted from one army to the other, and neither despaired of securing it; when the Sabine women, no longer wishing for revenge, the time of which had past, but for a reconciliation between the fathers of their children and their own, rushed in between the contending armies and brought about a peace. The two nations, distinct but inseparable, each under its own king, were to be united into one state of the Romans and Quirites: their temples and religious ceremonies were to be common to both.

The women had saved Rome: Romulus rewarded them with honours for themselves and the class of matrons. The names of the Sabine wives were given to the curies; exemption was guaranteed to them and to all married women for ever from every kind of household service except spinning and weaving. A man was to make way for the matron that met him; whoever hurt her modesty by a wanton word or look, was guilty of a capital offense; the right of inheriting on the same footing with a child [584] was conferred on the wife if she wished it: but the husband who should abuse this parental power, and sell his wife as he might a child, was devoted to the infernal gods. He might divorce his espoused wife for adultery, for poisoning his children, or counterfeiting the keys entrusted to her: if he put her away without any of these grounds, one half of his property was forfeited

* Macrobius Saturnal I. 9.

[584] By the Conventio in manum. See Dionysius II. 25.

to her whom he had injured, the other to the temple of Ceres[585].

The Sabines founded a new city on the conquered Capitoline and on the Quirinal hill: Tatius dwelt on the former, and dedicated temples there to his native gods. The kings and their senates, and probably also the ruling houses on each side in a body, met for important deliberations between the Capitol and the Palatium; hence the name of the Comitium. Even the old tradition seems not to have been quite consistent with itself, as to whether Tatius continued to be king of all the Sabines, or the joint sovranty was confined to the citizens of the double city. It did not subsist long: Tatius was killed, during a national sacrifice at Lavinium, by some Laurentines, to whom he had refused satisfaction for violence committed by his kinsmen: his grave was shewn on the Aventine[86]. Henceforth Romulus ruled over both nations. His dilatoriness in accepting the atonement offered for the murder of his colleague brought a pestilence upon the Romans and Laurentines, which did not cease before the guilty victims were interchanged.

Here ends the heroic lay, which, from the establishment of the asylum, presents a poetical whole. All the incidents are related either with determinate and nearly consecutive epochs, or without mention of the interval between them, but in such a way, that in the spirit of the old tradition they must have followed very closely one on another, and

585 Plutarch Romul. c. 22. This head of law seems from all analogy to be of plebeian origin: but its connexion with the poetical tale of the Sabine women is unquestionably ancient, and must be owned to be beautiful. In the case of a marriage solemnized with the religious sanction of the *confarreatio*, divorce was so difficult as to be scarcely possible: the husband might put the guilty wife to death: in the case of an unsolemnized union the separation was always left to the discretion of the parties.

86 There is an evident connexion between this legend and a statement that Romulus settled the Sabines on that hill (Varro in Servius on Æn. VII. 657): it is no less obvious that the latter arose from confounding the Quirites and Plebeians.

must have been accomplished with great rapidity[587]. Apart from them in the long period down to the death of Romulus stand the Etruscan wars; unhistorical, clumsy, fabulous as the romances of chivalry, without the spirit or features of a poem. A campaign against Fidenæ in which it was conquered, is related almost precisely in the same way as the taking of the same city in 328 U. C.; a transfer from an historical age to the mythical, frequently resorted to by the barren imaginations of the annalists. Another campaign against Veii, after many battles, in one of which more than the half of fifteen thousand Etruscans left on the field fall by the hand of Romulus, is ended by a truce for a hundred years, purchased by the cession of an extensive territory and of the salt-marshes near the coast. Now from these wars, spread through a reign of thirty-seven years, one who believes himself to be here in possession of history, cannot recognize in Romulus the restless martial prince, such as fame has always described him. For poetry it is enough: thus in the German national epic poem, the Niebelungen lay, many years elapse without any exploits related, after the hero's fame is established.

The poem appears again in its full splendour where Romulus is removed from the earth: all between is a sorry addition.

The old legend, which has been preserved most pure by Cicero and Livy out of Ennius, knows nothing of the glorious, if not unblemished, government of Romulus degenerating into violence and tyranny. It stigmatized Tatius as a tyrant: indeed after his death, according to it, the rule of Romulus became more legal and milder: he

[587] In the Trojan war the events preceding the anger of Achilles will not fill up the nine years: let the reader see in Dictys (whom by the way I recommend to greater attention, among other things as an imitator of Sallust's style—*optimorum æmulus* he is called by the great Gronovius—) how this was attempted; and observe in general by his example how epic poetry may be transformed into the shape of every-day history.

consulted the senate on all subjects, and chastised the refractory, not with corporal punishments, but with fines of cattle[588]. The Celeres, whom later writers described as his body-guard, were no other than the knights; and in early times nothing was ever known of his having been odious to the senate. It seems as if Ennius sang, how Mars once implored the father of gods and men to deliver Ilia and his children, when Jove, to console him for their inflexible destiny, promised to take up Romulus to heaven[89]. The time was accomplished; Juno was reconciled to the Trojan race, as she had been to Hercules. On the nones of Quinctilis or on the Quirinalia[90], as the king was reviewing his people, the sun withdrew its light[91]; and while the earth lay in darkness, Mars descended in a hurricane and tempest, and bore away his perfected son in a firy chariot[92] to heaven. The people had dispersed in consternation: when the light of day returned, it sought sorrowfully for its father, the offspring of the gods, who had brought it forth into the realms of light[93]; but lamentation gave way to religious reverence, when the glorified hero had appeared to Proculus Julius[94], and bidden him announce that he would preside over his people as the god Quirinus.

These are the main features of the traditional tale, as it was held sacred for centuries by the Romans, and commemorated in sacred songs. But there came a time when

588 For the former point see Ennius, p. 139; for the latter Cicero de Re p. II. 8. 9.

89 This explains the verse, Unus erit quem tu tolles ad cærula cœli, p. 34. Compare Ovid Fast. II. 487.

90 The Quirinalia according to Ovid Fast. II. 475.

91 Cicero de Re p. I. 16. Solis defectio quæ nonis Quinctilibus fuit, regnante Romulo; quibus—Romulum—tenebris—natura abripuit. Most of the passages before known are collected by Scaliger Emend. Temp. p. 395.

92 Quirinus Martis equis Acheronta fugit: Horace.—Rex patriis astra petebat equis: Ovid Fast. II. 496.

93 Ennius in Cicero de Re p. I. 41. If we had the first three books of Ennius, we should know what a poet he was.

94 Between the palace of Monte Cavallo and the Porta Pia.

simple faith had lost its power, and when the esteem for real history had risen in proportion as it comprised a longer period, and as the nation's political life had grown in greatness and importance: and then appeared writers who in the grossest manner abused as well the old traditions in general as this in particular. These are the writers whom Dionysius and Plutarch mention with approbation, as rational men, who related what was probable, held to what was natural[595]: and among them, if not, as I believe, the author of this manner, which however had earlier models among the Greeks, at least the person who applied it more decidedly than any other annalist, was L. Piso the censor, a contemporary of the Gracchi; in other respects a worthy and honorable man, but betraying in what we know of his annals great narrowness of mind and perversity of judgement. The wish of these historians was to gain the whole mythical age for history: their assumption, that the poetical stories always contained a core of dry history: and their system, to bring this core to light by stripping it of the marvellous[96].

The results of this attempt were extremely various: in the legend of Romulus it was principally Livy who gave the turn. The way in which the poetical tale of Silvia and her children, down to the vengeance inflicted on Amulius, was metamorphosed, any who can overcome the disgust inspired by vulgar dulness conceited of its superior wisdom, may read in Dionysius and Plutarch: Livy has not condescended to mention it, and has thereby

[595] οἱ τὰ πιθανώτατα γράφοντες—οἱ τὰ μυθώδη πάντα περιαιροῦντες—Dionysius: τῶν εἰκότων ἐχόμενοι— Plutarch.

[96] Happy they who in the sultry days of Augustus thus refreshed themselves with the simplicity of their ancestors. Among those to whom this was not given, the dull forgers are not more offensive than the men who help themselves out with a pneumatology, such as we find in Dionysius: where instead of Mars Gradivus, whose personality they were ashamed to admit, some demon, "whose existence was credited by many," awakened the life of the children in Ilia. Men could reconcile themselves to this kind of belief in goblins, or at least to the profession of it: and so effect a compromise and even an alliance with bigotry.

condemned it to obscurity. Unfortunately he has not treated the explanation of the disappearance of Romulus with the same contempt; and hence it has taken deep root. That a mortal man should be clothed with a radiant body and carried up to heaven, was of course impossible: in the secret anecdote, that the senators during the gloom of a tempest — it was not even an eclipse — had murdered the king, and torn him piecemeal, as the Bacchanalians tore Pentheus, and carried away his bloody limbs hidden under their gowns; here neither was the execution thought physically, nor the loathsome scene of mangling butchery morally impossible. In the later writers we cannot help feeling surprise at this: that the atrocity was imagined in ancient Rome, is an instance how party rage poisons the feelings; the patricians were held capable of the worst enormities. The death of Remus was turned into a mischance during a civil feud: the Sabine war grew, from the contests of a few days, into a tedious, hard-fought campaign, with pitched battles between great armies. To this war Piso[597] referred the origin of the Curtian lake, for the sake of ridding the Roman history of another heroic legend: according to him a Sabine, Mettus Curtius, had almost sunk with his horse into the swamp: the same Piso exalted Tarpeia from a venal traitress to a heroine, one indeed still more mad than thoughtless, who meant to sacrifice herself for her country[98].

To such lengths could honest men go, when they were wanting in intellect, feeling, and judgement: but after these had paved the way, came the shameless forgers, whose traces are especially visible in the numbers. Livy

[597] Varro de l. l. IV. 32. p. 41.

[98] She is described as having planned to make the Sabines, by virtue of their oath, deliver up to her their arms and armour, and so to consign them disarmed to the Romans: the laying down of the arms was to take place on the Capitol, a place where not a Roman, except perhaps prisoners, would have been to be found. It is not superfluous to shew how indescribably stupid is much of that which would pass for history.

himself, when speaking generally, treats the enormous numbers fabricated by Valerius Antias with contempt, though without guarding against them: as contemptible as any is his statement and that of Juba about the number of the ravished virgins[599]; and his silly exaggerations are equally manifest in the numbers of the armies during the Sabine war, and that of the military force Romulus had at his command before his death[600].

I am sorry to have been obliged to say so much on such wretched subjects: yet it is important to shew, what the idol is, before which, as fashion changes, our posterity may perhaps once more be required to bend the knee.

I return to the old legend. The senate at first withheld the election of a new king: every senator was to enjoy the royal power as interrex in rotation. A year passed in this way; the people, who were more oppressively treated than before, demanded with greater vehemence the protection of a royal chief: when the senate had permitted the election, the original Romans and the Sabines disputed out of which nation the king should be chosen. It was adjusted that the former should elect him out of the latter, and all voices named the wise and pious Numa Pompilius of Cures; to whom Tatius had given his daughter in marriage.

The discourse Cicero puts into the mouth of Scipio on the earliest history of Rome, is all taken from Polybius: consequently Polybius found the persuasion very generally diffused in his time, that Numa was the disciple of Pythagoras; so diffused at Rome that he tried to prove the impossibility of the thing by a chronological deduction, which was only borrowed from him by Dionysius. The same opinion then probably was also delivered by Cato, who, even though acquainted with the chronological tables of Eratosthenes, might very possibly

599 Plutarch Romul. c. 14. p. 25. e. Dionysius II. 30. 47.

600 46000 foot, and about 1000 horse: Dionysius II. 16.

not know the age of the Samian Pythagoras. Unfortunately Polybius can hardly have learnt, that oriental writers referred Pythagoras to the reign of Assarhaddon[601], who was contemporary with Numa. An impartial critic, who does not believe that the son of Mnesarchus is the only person to be taken for Pythagoras; or that what Aristoxenus and the older writers left undecided, has been settled by chronologers having made up their minds on the question; or that there is any kind of necessity for placing Numa in the twentieth Olympiad; or in fine that the historical personality of Pythagoras is more certain than that of Numa; one who so thinks will enjoy the old popular opinion, and will not sacrifice it to chronology. The senate, when in the Samnite war it erected a statue to Pythagoras as the wisest of the Greeks*, must also have looked upon him as Numa's teacher: the Greek books found in Numa's grave are said to have been Pythagorean†: the Æmilii traced their origin to a son of the Grecian sage. On the Greek side, the account quoted from Epicharmus[2], that the Romans had conferred the franchise of their city on Pythagoras, would be extremely important, could the work containing it be considered as genuine: even if it was spurious, it proves a current opinion, that Pythagorean influence had reached Rome.

When Numa was satisfied by the auguries that the gods approved of his election, the first care of the pious king was not the service of the temples, but human institutions. He divided the lands which Romulus had conquered and had left open to occupancy: he founded the worship of Terminus. All ancient legislators, and above all Moses, rested the result of their ordinances for virtue, civil order, and good manners, on landed property, or at least on the secured hereditary possession of land, for the greatest possible number of the citizens. Not till then

[601] Abydenus, in the chronicle of Eusebius, Venet. ed. I. p. 53.

* Plutarch Numa c. 8. p. 65. d. † Livy XL. 29. Pliny XIII. 27.

[2] In a prose work: Plutarch Numa c. 8. p. 65. c.

did Numa apply himself to legislate for religion. He was revered as the author of the Roman ceremonial law. Instructed by the Camena Egeria, who was espoused to him in a visible form, and led him into the assemblies of her sisters in the sacred grove [603], he regulated the whole hierarchy; the pontiffs, who by precept and chastisement watched over the observance of the laws relating to religion by individuals and by the state; the augurs, whose calling it was by piercing into the counsels of the gods to afford security to those of men; the flamens, the priests who served in the temples of the supreme gods; the chaste virgins of Vesta; the Salii, who solemnized the worship of the gods with armed dances and song: he prescribed to the people the rites with which it might offer worship and prayer acceptably to the gods. To him were revealed the conjurations for compelling Jupiter himself to make known his will by lightnings and the flight of birds; prodigies which others were forced to expect from the favour of the god, often silent to such as were destined to destruction. This charm he had learnt from Faunus and Picus, whom by the advice of Egeria he had enticed and bound in chains, as Midas did Silenus in the rosegarden. From the pious prince the god brooked this boldness: at the entreaty of Numa he remitted to the people the terrible duty of offering human sacrifices: the audacious Tullus, who presumptuously imitated his predecessor, was killed by a flash of lightning during his conjurations in the temple of Jupiter Elicius. The thirty-nine years of Numa's reign, which glided away in quiet happiness, without war, without calamity, afforded no legends but of such marvels. That nothing might break the peace of his days, the ancile fell from heaven when the land was threatened with a pestilence, which disappeared as soon as Numa had ordained the ceremonies of the Salii. Numa was no theme of song, like Romulus; indeed he had enjoined, that among all the Camenæ the

603 Below S. Balbina, near the baths of Caracalla.

highest honours should be paid to Tacita. Yet the story was preserved, how, when he was entertaining his guests, the plain food in earthenware was changed on the appearance of Egeria into a banquet fit for gods in golden vessels; that the deity might be made manifest to the incredulous. The temple of Janus, his work, continued always shut; peace was spread over all Italy; until Numa, like the darlings of the gods in the golden age, fell asleep, full of days: Egeria melted away in tears into a fountain.

BEGINNING AND NATURE OF THE EARLIEST HISTORY.

The keepers of the Sibylline books had recorded, that the first secular festival after the expulsion of the kings was celebrated in the year 298, and that from that time forth it always recurred after an interval of 110 years, such being the duration of a secle[604]. This statement is at variance with accounts in the annals, which fixed the celebration of the secular festivals in very different years: these annalists would have no weight at all, if they had really contradicted the authentic books; but on the other hand we have no need to suppose that these books noted down anything more than the close of a secle, and the epoch when the beginning of a new one, according to the precepts of the ceremonial law, should have been celebrated by the people, in gratitude for the continuance of its existence in a new period; without regarding whether the solemnity was deferred from circumstances, as was so often the case with a festival vowed to the gods.

If we go back according to this rule from that first secular epoch of which a historical register was preserved, the end of the first, or rather the beginning of the second secle, falls in the year of the city 78. I say, the beginning of the second: for it is evidently beyond comparison more probable, that the beginning of a new period was celebrated with a joyful solemnity, as by the Aztecans[5],

604 Censorinus, c. 17.

5 See below in the section on the secular cycle.

who looked forward to the renewal of their secle with anxious doubt, than the end of an expiring one, which, like all decease and termination, must rather have excited melancholy feelings. Now according to the chronology of the pontiffs this year was the first in the reign of Tullus Hostilius: according to the pontiffs, I say; for their table was adopted by Polybius for his Roman chronology[606], and he is the authority followed by Cicero in fixing the years of the Roman kings[7]. It was the pontiffs therefore, who, as Scipio does in Cicero, assigned to Romulus seven and thirty, to Numa nine and thirty years[8], between which falls the year of the interreign; whereas Livy and Dionysius reckon forty-three years for Numa.

What is now so certain that it may be stated positively, was to be conjectured, though with some boldness, when I first undertook these inquiries, from a trace, not indeed a very distinct one, in the chronicle of Eusebius translated by S. Jerom, where 240 years are assigned to all the Roman kings together, forty to Numa, thirty-eight to Romulus[9]. It is true that in this passage the number of years did not come out precisely right; and this might appear to very cautious inquirers into these subjects a sufficient ground for shrinking from the application and inference as rash: the certainty we have now accidentally obtained by the discovery of the books on the Republic, affords an instance that, in those accounts which have been preserved from ancient times only by ignorant and hasty compilers, the injury they have suffered in

606 In Dionysius I. 74. the text runs: *ἐπὶ τοῦ παρὰ τοῖς Ἀγχισεῦσι κειμένου πίνακος—τὴν πίστιν ἀπολαβεῖν.* But a town called Anchise surely never existed save in Cephalon's brain; certainly it did not in the age of Polybius. The inhabitants of Anxur he calls Tarracinites. Three Vatican manuscripts give *ἀγχιστεῦσι*: I read *ἀρχιερεῦσι*, which word Polybius uses for the pontiffs, (XXIII. 1. 2. XXXII. 22. 5.) though Dionysius calls them *ἱερομνήμονες*, and not for the supreme pontiff alone.

7 This he says De Re p. II. 14.

8 Cicero de Re p. II. 10. 14.

9 Chronicon in Thes. Tempor. Scaligeri, n. 1265, 1303, 1304.

passing through such hands, ought not to determine the only shape in which we may be allowed to use them. In numberless cases the original form is not too much disfigured to be guessed at: there may frequently be a hazard in such a process; but what cannot be abused at all, is good for nothing.

The observation, from which in a fortunate hour I found light fall on the seemingly inexplicable discrepancies in Roman chronology, was, that the ground of Fabius differing from Cato lay in his reckoning only 240 years for the time of the kings: and for this I was indebted to the second book of the Eusebian chronicle. This taught me the importance of those tables, which in great part represent the opinions of Apollodorus; and it would border on ingratitude if I were to suppress the opinion I once delivered on them, because as to this point the chronicle has been superseded by the unhoped for discovery of a purer source. A similar discovery, having almost entirely brought back to light the part of the chronicle that was then wanting, calls upon our age to recognize its value, and to resume researches, which have been very much neglected since the time of that great man, who laboured at restoring the work of Eusebius with the confident strength of genius and with immeasurable learning[610], cheered and rewarded by the communications of Casaubon. If in the very instance before us he overlooked what was concealed

[610] Scaliger stood at the summit of universal solid philological learning, in a degree reached by none since his time; and so high in science of every kind, that from the resources of his own mind he could comprehend, apply, and decide on whatsoever came in his way. What, compared with him, is the book-learned Salmasius? And why does not France oppose the name of Scaliger to that of Leibnitz?

Out of Italy and Greece there is no more sacred ground for a philologer, than the hall of the university at Leyden, where the pictures of the professors, from Scaliger in his princely purple, down to Ruhnkenius, are ranged around the portrait of the great William of Orange, the father of the university; the erection of which was granted to the request of Leyden, as the noblest reward for more than human endurance and perseverance. Even the general of the republican city, Baron Nordwyk, was a great philologer.

in a misunderstood tradition, it was because the fulness of his materials was inexhaustible even for him, so that a gleaning has been left for our inferior generation.

Since we find however that the year of Numa's death was considered as the last in the first secle of the city, another tradition, which otherwise sounds strange and unmeaning, acquires a very definite import; the tradition that he was born on the day of the founding of Rome[611]. It rested on the Etruscan notion of the first physical secle being ended by the death of the person who, among all born on the day when a city was founded, reached the furthest term of life[12]. Now the more clearly evident this is, the more necessary is it for me to meet an objection which a good reader might raise. Such a one might remark, that, if 240 years were reckoned for the time of the kings, and 120 from the beginning of the consulate down to the taking by the Gauls, the year which would result from this for the founding of the city, would be the one adopted by Fabius, Ol. 8. 1: yet that between the year 78 according to Fabius and 298 according to Varro there intervened not 220 years, but only 214; so that we should be deceived here by an accidental appearance.

It is no deception however: only the Fasti for the first fifty years of the republic are in complete disorder; and this may have been partly a consequence of their being adapted to the scheme which assigned to the period under the consuls a third of the whole time computed to have elapsed between the building and the taking of the city: but it may also have been to some extent unavoidable from the nature of the Fasti themselves. A given number of official years by no means answered to the

611 Plutarch Numa c. 3. p. 61. d. Dion Cassius fr. 20. p. 8. Dionysius would have been ashamed of seeming to believe the marvellous coincidence: but he takes advantage of the belief of others to slip Numa's age, not far from forty, into the history by a sleight of hand. II. 58.

12 See above, p. 114.

same number of astronomical; on account of the interreigns, so very frequent in the earlier ages, by which the beginning of the year was carried every time further forward. This led those into errour, who, like Fabius, made the two series of years parallel to each other; but the secle supplied the correction; this was known to the pontiffs, and through them to Polybius and Cato. According to the former, who dates the Gallic invasion a year later than Dionysius [613], the secular year 298 was Ol. 81. 3: if from this point two secles, 55 Olympiads, are reckoned backward, the second secle begins in Ol. 26. 3: which according to Polybius was the 78th year of Rome, and the first of king Tullus. I again remind the reader that he represents the tables of the pontiffs.

Now here it seems too clear to be mistaken, that the pontiffs themselves distinguished the first two kings, as belonging to another order of things, and separated the accounts of them from that which was to pass for history; just as the Egyptians began the lists of their kings with gods and demigods. Romulus was a god, the son of a god; Numa a man, but akin to higher beings. But if the tradition about both is in its innermost essence fiction, the fixing the pretended duration of their reigns can be explained only by ascribing it either to wanton caprice or to numerical speculations: and although to us the former may seem the more probable, there is far stronger ground for conjecturing the latter among the ancients in early times; above all where the annals were in the hands of a learned priesthood. This character marks the chronology of Asia: much that I have already said, and other remarks which I shall make hereafter, render the same thing almost absolutely certain in the case of the Etruscans, the sages of ancient Rome. The cyclical year, which is supposed to have been instituted by Romulus, and to have obtained until Numa, was divided into 38 nundines: it was an obvious thought to reckon the same

[613] That is, in Ol. 98. 2.

number of years from the beginning of the city unto Numa. One of these was taken for the interreign, and only 37 were left for Romulus. Then, if twice 38 were to be allotted to the first two kings, 39 fall to Numa's share; and this number recommended itself by more than one attraction. In its component parts, thrice ten and thrice three, the prevailing number is that which determines the proportions in all the earliest Roman institutions; and the nearest quotient obtained from dividing the number of days in the lunar year, 354, by 9, is 39. Such numerical combinations are child's play or jugglers' tricks: in the present case however we have nothing to expect but priestly subtilty, which betrays perverted ingenuity much oftener than depth of thought. The other statement, which assigns forty-three years to Numa, brings the duration of his life to eighty-one; the biquadrate of three. When this was forgotten, even Cato in his time might prefer the latter number; because it enabled him to carry back four years, for which he could find no consuls, from the annual Fasti to the time of the kings: others might be glad to take in this way the obvious appearance of a fabrication from the numbers 240 and 120.

With Tullus Hostilius there begins a new secle, and a narrative resting on historical ground, of a kind totally different from that of the preceding period. Between the completely poetical age, which stands in a relation to history altogether irrational, and the purely historical age, there intervenes in all nations a mixed age, which may be called the mythic-historical. It has no precise limits: but it reaches to the point where contemporary history begins; and its character is the more strongly marked, the richer the nation has been in heroic lays, and the less later writers, neglecting those songs, and without calling up in their minds any distinct image of the past, have filled up the void in its history from monuments and authentic documents. Hence in the history of the middle ages we find such a character in the North and in Spain;

whereas during the same period the history of countries which, like Italy, possess no historical lays, scarcely contains a trace of it. Among the Greeks, the Persian war still displays the character of a free epical narrative; and in earlier times almost every thing that is stirring and attractive in their story, is poetry. In Roman history, the range of pure fiction does not reach much lower; although from time to time it appears again, even down to the fifth century: the disease which preys on this history until the war of Pyrrhus, when foreigners at least began to write it contemporaneously, is studied alteration. This is sheer corruption: the poetical story is something other, but it is also something better, than pure history, on the field of which we only find again what wearies and troubles us in life[614]. The relation of such poetical history to mythology is, that the former always has and must have a historical foundation; that it borrows its materials mainly from history, as transmitted in free narrative: while the latter takes them from religion and from poems on a larger scale, and does not give itself out to be a possible history of the common order of things in the world; although, so long as it confines itself to the earth, it can have no other theatre. To the latter kind for instance belong Hercules, Romulus, and Siegfried; to the former Aristomenes, Brutus, and the Cid.

On the confines of mythology poetry is predominant, at the opposite end history. Of the men named during the period we are entering upon, but few are imaginary: many chronological statements from the yearly registers have all the definiteness that can be expected for so dim an age: but then the historical part of our information is confined to this. For when historians arose, attention was exclusively directed to what bore the name of annals: no use was made of monuments and original documents;

614 It was not till yet later, about the age of Alexander, that Lysistratus began to model portraits for statues; which till then had been ideal works, only preserving the main features of the face and figure.

perhaps through carelessness; perhaps because they could not be made to agree with the poetical legends, and none then knew how to appreciate the value of a fragmentary history drawn from authentic documents. In later times Ephorus and the authors of the Atthids in Greece, in Sicily Timæus, who however is frequently dishonest, framed histories from materials of this kind, such as many written on the middle ages; valuable indeed, but presenting no lively and distinct image of the times: in Rome this source was but sparingly employed; perhaps only by L. Cincius and C. Macer with judgement and any degree of industry. It is true, the Roman documents of the earliest period were scanty, in comparison with the historical treasures of Athens and of almost all the Greek cities. For a very long time the laws were only engraved on oaken tables[615], or painted on them, if they were plastered; and thus became the more easily a prey to the flames at the taking by the Gauls, when none had time or presence of mind to save even the fundamental laws. The only original documents mentioned of the whole period under the kings, are the treaty of Servius Tullius with the Latins[16], that of the last Tarquinius with the Gabians, and one with the Sabines[17]. That with the Gabians was painted on a wooden shield. Verrius Flaccus cited commentaries of Servius Tullius, which seem to have contained the substance of the constitutional laws ascribed to him[18]: and the high antiquity of a collection of the laws of the kings, compiled by one Papirius, seems unquestionable.

From the period immediately following the expulsion of the kings, beside the twelve tables, some other laws, and the compacts between the patrician and plebeian orders, there were still extant in the seventh and eighth centuries, the treaties with Carthage[19], with the Latins[20],

615 Dionysius III. 36.
16 Dionysius IV. 26.
17 The former by Dionysius IV. 58; both by Horace Ep. II. 1. 25.
18 Festus v. procum, and pro censu.
19 Polyb. III. 22.
20 Dionys. VI. 95.

and with the Ardeates[621]: but the contents of these very documents either cannot be reconciled at all with our historical accounts, or not without difficulty.

I am now come to the question so often raised as to the genuineness and credibility of the original annals; a question, the discussion of which has now been placed on a firm ground, such as our predecessors wanted, by the fortunate discoveries which have enriched philology in our days.

According to a well known custom, manifestly derived from very ancient times, the chief pontiff wrote on a whited table the events of the year, prodigies, eclipses, a pestilence, a scarcity, campaigns, triumphs, the deaths of illustrious men; in a word, what Livy brings together at the end of the tenth book, and in such as remain of the following ones, mostly when closing the history of a year, in the plainest words and with the utmost brevity; so dry that nothing could be more jejune[22]: this table was then set up in the pontiff's house[23]: the annals of the several years were afterward collected in books. This custom obtained until the pontificate of P. Mucius, and the times of the Gracchi; when it ceased, because a literature had now been formed, and perhaps because the composing such chronicles seemed too much below the dignity of the chief pontiff.

Now I grant, Antonius in Cicero says that this custom had subsisted from the beginning of the Roman state: but it does not follow from this that Cicero meant to assert, the annals in the possession of the Roman historians, who did not begin to write till so late, reached thus far back. Those of the earlier times may have perished; which Livy and other ancient writers, without specific mention of the Annales Maximi, state as having happened at the destruction of the city by the Gauls: and certainly this fate may easily have befallen them at that time; as the

621 Livy IV. 7; from Licinius Macer.

22 Cicero de leg. I. 2.

23 Cicero de Orat. II. 12.

tables perhaps were not yet transferred into books, and it is still less likely that any transcripts of such books should be in existence; besides they may not have been preserved in the Capitol, where the chief pontiff did not reside, and where he had no occasion to keep his archives, like the duumvirs of the Sibylline books.

I think we may now consider it as certain that those annals really met with such a fate at that time, and that they were replaced by new ones. Cicero says, the earliest eclipse of the sun mentioned in the Annales Maximi as having been observed, fell on the nones of June about the year 350: the earlier eclipses were computed backward from it, unto that during which Romulus was carried up to heaven[624]. A fragment of Cato informs us, that eclipses of the sun and moon belonged essentially to the contents of the pontifical annals; and the fact of their having computed backward agrees with this statement, and shews an attempt to replace the loss of the actual observations: the same has been done in the Chinese chronicles, for the times of which the annals are said to have existed, but to have been destroyed. Sixteen years after an eclipse that had left a deep impression, its day and hour might be recorded from memory; but this could hardly be the case with a more remote one.

Now if the earlier annals were not genuine, but restored; this accounts for the strange peculiarities in the numerical calculations throughout the early part of Roman history, and their reference to the epoch of the

[624] De Re p. I. 16. Hac in re tanta inest ratio atque sollertia, ut ex hoc die, quem apud Ennium et in maximis Annalibus consignatum videmus, superiores solis defectiones reputatæ sint usque ad illam quæ nonis Quinctilibus fuit regnante Romulo, &c. Before this passage had been restored to light, I had proved by cogent reasons, that contemporary pontifical annals, before the battle of Regillus at the earliest, were not to be thought of: those reasons are now superfluous. Whether in the imperfect method then used the computations came out right, is another question; who could verify them? But it is highly probable that an erroneous computation of this kind was applied to determine the date of the end of Romulus.

taking by the Gauls. It is true, all the Fasti and yearly registers were not destroyed in that calamity; much must have been preserved in the Capitol, and in Latin towns; and such genuine documents were incorporated: but we shall not look for diligence of research from the pontiffs, or even for any anxiety to take pains about historical accuracy, where they could answer their purpose with numerical combinations: the mischief was, that their work was esteemed authentic, and soon exclusively so.

According to the chronology of Fabius, the Roman history from the founding to the taking of the city divides itself into two portions; 240 years under the kings, and 120 after them; or, to express it differently, into three periods[625], each containing ten times twelve years; twelve being the number of the birds in the augury of Romulus. This scheme was the bed of Procrustes, to which whatever was known or believed about the early times was fitted. It appeared that a secular festival had been celebrated some 70 years before: of Romulus, Numa, and the five succeeding kings, there were manifold legends and traditions, but, except perhaps as to the last king, without any chronological definiteness.

Now the priests who arranged the annals, fixed the time under Romulus and Numa, according to the numerical speculations already explained, at 77 years; which formed the first secle, a heroic one.

Among the seven kings, whose statues stood on the Capitol, Ancus Marcius was the fourth: accordingly the middle of his reign was made to coincide with the middle of the period assigned to the kings, the end of the year 120. Now it is true, any number of years might have been arbitrarily allotted to him: but what decided for 23, was, that this number together with that of the first seele makes exactly 100; and that 132, the year in which his reign was thus made to

625 As the life of Moses is divided into three periods of 40 years each.

close, was the number of the astronomical years in a secle. Hence 32 years fell to the share of Tullus. Now to determine the length of the two reigns which followed that of Ancus, with something like historical numbers, half a century was counted from 120 to the end of the elder Tarquinius: and the reign of Servius was extended, without the slightest attention to the impossibilities and contradictions thus occasioned, to the year 216; leaving five and twenty years for the last king, a date which may perhaps have been historical.

It was only necessary that the computation adopted by Polybius for the years of the kings should be again known, in order that this web of no very fine texture should come to light, and be now no longer taken for anything else than what it really is. In other cases indeed the chronological statements during a mythic-historical age may possibly deserve credit: but as to the period of the Roman kings, the chronology is the very thing which throughout is a forgery and a fiction: there is no rational ground at all to doubt the personal existence of Tullus Hostilius for instance; but most assuredly the combat of the Horatii and the king's marvellous death are more likely to be historically true, than the chronological statement about the length of his reign.

If however no general annals were left of the times of the kings, neither did the family narratives reach so far back. That the Valerii named one Volesus as their ancestor, that the Marcii traced the origin of their race to Ancus, and other families to Numa, is another matter: the Sabine descent of the Valerii as a general fact I am very ready to admit; if plebeian houses deduced their stock from the kings, none could seriously believe them. Except the Horatii—and as to them it was disputed whether they belonged to Rome or Alba—not a single Roman is mentioned by name in the legends of Tullus

[626] This number is given by Cicero De Re p. II. 18.

and the three following kings. Whereas from the very beginning of the commonwealth the family histories related much of their great men, though what they related may not be worthy of credit.

Two classes of subjects formed the contents of the arithmetical outline drawn for the time of the kings, before it became a vehicle for mere fiction; the forms of the state, its laws, and the institutions ascribed to particular kings; and legends of their exploits. The former class certainly engaged the attention of the earliest annalists very little, richly as it provided later ages with materials. The greater is the antiquity of the legends: their origin goes back far beyond the time when the annals were restored.

That they were transmitted from generation to generation in lays, that their contents cannot be more authentic than those of any other poem on the deeds of ancient times which is preserved by song, is not a new notion. A century and a half will soon have elapsed, since Perizonius[627] expressed it, and shewed that among the ancient Romans it had been the custom at banquets to sing the praises of great men to the flute[28]; a fact Cicero only knew from Cato, who seems to have spoken of it as an usage no longer subsisting. The guests themselves sang in turn; so it was expected that the lays, being the common property of the nation, should be known to every free citizen. According to Varro, who calls them old, they were sung by modest boys, sometimes to the flute, sometimes without music[29]. The peculiar function

627 In his Animadversiones Historicæ, c. 6. That I did not know this when I first wrote on this subject, I confess, and not without shame: but at least those who combated my opinion were equally ignorant of it.

28 The leading passage is Tusc. Quæst. IV. 2. Gravissimus auctor in Originibus dixit Cato, morem apud majores hunc epularum fuisse, ut deinceps, qui accubarent, canerent ad tibiam clarorum virorum laudes atque virtutes. Cicero laments the loss of these songs; Brut. 18. 19. Yet, like the sayings of Appius the blind, they seem to have disappeared only for such as cared not for them. Dionysius knew of songs on Romulus.

29 In Nonius II. 70. assa voce: (aderant) in conviviis pueri modesti ut

of the Camenæ was to sing the praise of the ancients[650]; and among the rest those of the kings. For never did republican Rome strip herself of the recollection of them, any more than she removed their statues from the Capitol: in the best times of liberty their memory was revered and celebrated[51].

We are so thoroughly dependent on the age to which we belong, we subsist so much in and through it as parts of a whole, that the same thought is at one time sufficient to give us a measure for the acuteness, depth, and strength, of the intellect which conceives it, while at another it suggests itself to all, and nothing but accident leads one to give it utterance before others. Perizonius knew of heroic lays only from books; that he should ever have heard of any then still current, or written down from the mouth of the common people, is not conceivable of his days: he lived long enough to hear, perhaps he heard, but not until a quarter of a century had passed since the appearance of his researches, how Addison roused the stupefied senses of his literary contemporaries, to join with the common people in recognizing the pure gold of poetry in Chevy-chase. For us the heroic lays of Spain, Scotland, and Scandinavia, had long been a common stock: the lay of the Niebelungen had already returned and taken its place in literature: and now that we listen to the Servian lays, and to those of Greece, the swan-like strains of a slaughtered nation; now that every one knows how poetry lives in every people, until metrical forms, foreign models, the various and multiplying interests of every-day life, general dejection or luxury, stifle it so, that of the poetical spirits, still more than of all others, very few find vent: while on the contrary spirits without

cantarent carmina antiqua, in quibus laudes erant majorum, assa voce, et cum tibicine.

[650] Fest. Epit. v. Camenæ, musæ, quod canunt antiquorum laudes.

[51] Ennius sang of them, and Lucretius mentions them with the highest honour.

poetical genius, but with talents so analogous to it that they may serve as a substitute, frequently usurp the art; now the empty objections that have been raised no longer need any answer. Whoever does not discern such lays in the epical part of Roman story, may continue blind to them: he will be left more and more alone every day: there can be no going backward on this point for generations.

One among the various forms of Roman popular poetry was the nenia, the praise of the deceased, which was sung to the flute at funeral processions[632], as it was related in the funeral orations. We must not think here of the Greek threnes and elegies: in the old times of Rome the fashion was not to be melted into a tender mood, and to bewail the dead; but to pay him honour. We must therefore imagine the nenia to have been a memorial lay, such as was sung at banquets: indeed the latter was perhaps no other than what had been first heard at the funeral. And thus it is possible that, without being aware of it, we may possess some of these lays, which Cicero supposed to be totally lost: for surely a doubt will scarcely be moved against the thought, that the inscriptions in verse[33] on the oldest coffins in the sepulcre of the Scipios are nothing else than either the whole nenia, or the beginning of it[34]. These epitaphs

632 Cicero de legib. II. 24.

33 On the coffin of L. Barbatus the verses are marked and made apparent by lines to separate them: in the inscription on his son they form an equal number of lines, and may be recognized with as much certainty as in the former from the great difference in the length of them.

34 The two following inscriptions are of this kind: I transcribe them, because it is probable many of my readers never saw them.

Cornélius Lúcius Scípio Barbátus,
Gnáivo (patre) prognátus, fortis vír sapiénsque,
Quoius fórma vírtuti parísuma fuit,
Consúl, Censor, Aédilis, qúi fuit apúd vos:
Taurásiam, Cesáunam, Sámnio cépit,
Subícit omnem Lúcánaam,
Obsidésque abdúcit.

The second is:

Hunc únum plúrimi conséntiunt R(ománi)
Duonórum optumum fúisse virúm,

present a peculiarity which charaterizes all popular poetry, and is strikingly conspicuous above all in that of modern Greece. Whole lines and thoughts become elements of the poetical language, just like single words: they pass from older pieces in general circulation into new compositions; and, even where the poet is not equal to a great subject, give them a poetical colouring and keeping. So Cicero read on the tomb of Calatinus: *hunc plurimæ consentiunt gentes populi primarium fuisse virum*[635]: we read on that of L. Scipio the son of Barbatus: *hunc unum plurimi consentiunt R(omani) bonorum optumum fuisse virum.*

The poems out of which what we call the history of the Roman kings was resolved into a prose narrative, were different from the nenia in form, and of great extent; consisting partly of lays united into a uniform whole, partly of such as were detached and without any necessary connexion. The history of Romulus is an epopee by itself: on Numa there can only have been short lays. Tullus, the story of the Horatii, and of the destruction of Alba, form an epic whole, like the poem on Romulus: indeed here Livy has preserved a fragment of the poem entire, in the lyrical numbers of the old Roman verse[36]. On the other hand what is related of

Lúcium Scipiónem, filium Barbáti.
Consúl, Censor, Aédilis, híc fuit apúd vos.
Hic cépit Córsicam, Alériamque úrbem
Dédit tempestátibus aédem mérito.

I have softened the rude spelling, and have even abstained from marking that the final *s* in *prognatus*, *quoius*, and the final *m* in *Taurasiam*, *Cesaunam*, *Aleriam*, *optumum*, and *omnem*, was not pronounced. The short *i* in *Scipio*, *consentiunt*, *fuit*, *fuisse*, is suppressed, so that *Scipio* for instance is a disyllable; a kind of suppression of which we find still more remarkable instances in Plautus. In the inscription on Barbatus, v. 2, *patre* after *Gnaivo* is beyond doubt an interpolation: and in that on his son, v. 6, it is to be observed that the last syllable of *Corsicam* is not cut off.

635 Cicero de Senectute 17.

36 The verses of the *horrendum carmen* I. 26.

Duúmviri pérduelliónem júdicent.
Si a duúmviris próvocárit,
Provocátióne certáto:

Ancus has not a touch of poetical colouring. But afterward with L. Tarquinius Priscus begins a great poem, which ends with the battle of Regillus; and this lay of the Tarquins even in its prose shape is still inexpressibly poetical; nor is it less unlike real history. The arrival of Tarquinius the Lucumo at Rome; his deeds and victories; his death; then the marvellous story of Servius; Tullia's impious nuptials; the murder of the just king; the whole story of the last Tarquinius; the warning presages of his fall; Lucretia; the feint of Brutus; his death; the war of Porsenna; in fine the truly Homeric battle of Regillus; all this forms an epopee, which in depth and brilliance of imagination leaves every thing produced by Romans in later times far behind it. Knowing nothing of the unity which characterizes the most perfect of Greek poems, it divides itself into sections, answering to the *adventures* in the lay of the Niebelungen: and should any one ever have the boldness to think of restoring it in a poetical form, he would commit a great mistake in selecting any other than that of this noble work.

These lays are much older then Ennius[637], who moulded them into hexameters, and found matter in them for three

Si víncent, caput óbnúbito:
Infélici árbore réste suspéndito:
Vérberato íntra vel éxtra pomoérium.

The description of the nature of the old Roman versification, and of the great variety of its lyrical metres, which continued in use down to the middle of the seventh century of the city, and were carried to a high degree of perfection, I reserve, until I shall publish a chapter of an ancient grammarian on the Saturnian Verse, which decides the question.

637 —Scripsere alii rem
Versibu' quos olim Fauni vatesque canebant:
Quom neque Musarum scopulos quisquam superarat,
Nec dicti studiosus erat.

Horace's annosa volumina vatum may have been old poems of this sort: though perhaps they are also to be understood of prophetical books, like those of the Marcii; which, contemptuously as they are glanced at, were extremely poetical. Of this we may judge even from the passages preserved by Livy (xxv. 12.): Horacc can no more determine our opinion of them than of Plautus.

books of his poem; Ennius, who seriously believed himself to be the first poet of Rome, because he shut his eyes against the old native poetry, despised it, and tried successfully to suppress it. Of that poetry and of its destruction I shall speak elsewhere: here only one further remark is needful. Ancient as the original materials of the epic lays unquestionably were, the form in which they were handed down, and a great part of their contents, seem to have been comparatively recent. If the pontifical annals adulterated history in favour of the patricians, the whole of this poetry is pervaded by a plebeian spirit, by hatred toward the oppressors, and by visible traces that at the time when it was sung there were already great and powerful plebeian houses. The assignments of land by Numa, Tullus, Ancus, and Servius, are in this spirit: all the favorite kings befriend freedom: the patricians appear in a horrible and detestable light, as accomplices in the murder of Servius: next to the holy Numa the plebeian Servius is the most excellent king: Gaia Cecilia, the Roman wife of the elder Tarquinius, is a plebeian, a kinswoman of the Metelli: the founder of the republic and Mucius Scævola are plebeians: among the other party the only noble characters are the Valerii and Horatii; houses friendly to the commons. Hence I should be inclined not to date these poems, in the form under which we know their contents, before the restoration of the city after the Gallic disaster at the earliest. This is also indicated by the consulting the Pythian oracle. The story of the symbolical instructions sent by the last king to his son, to get rid of the principal men of Gabii, is a Greek tale in Herodotus: so likewise we find the stratagem of Zopyrus repeated: we must therefore suppose some knowledge of Greek legends, though not necessarily of Herodotus himself.

THE ERA FROM THE FOUNDATION OF THE CITY.

A computation of time, which ascending from a given point determines its earliest epoch by artificial combinations, may seem unfit for and unworthy of being used in chronology. But for practical purposes nothing more is requisite, than that the point it begins at be fixed relatively: the first year even of our own common era is notoriously misplaced: only such chronological determinateness must not be mistaken for historical certainty. The dignity of Rome purges its era from the blot of having owed its origin to fraud.

History requires more than one era; Asia a different one from Europe: such eras as reckon backward, or are necessarily dependent on a supposition ascertained to be utterly wrong, are positively bad: different eras are suited to different times; thus the Spanish from the battle of Actium was appropriate so long as the Western empire lasted: afterward it ought to have given way to the general Christian era much sooner than it did; as that of Nabonassar was very reasonably made to yield to the Seleucidian. The greater or less value of an era for practical purposes depends on three qualities: that it begin early enough to comprehend the period of such dates as are really historical, within its sphere in its forward course; that this sphere without straining include the history of the most important nations which come within it; and that the reason which entitles the era to preference, remain long unaltered. With regard to the point of their commencement, the Olympic era and that of Nabonassar differ little from the

Roman: but while the latter continues to grow more and more extensively applicable, until the battle of Actium; of the two former, the one, like Greece, survives Alexander only as an empty name, while the other, like Babylon, ceases about the same time altogether. Beyond the epoch assigned to the founding of Rome, the west of Europe has no chronology at all: for Greece the method devised by Eratosthenes, of reckoning from the fall of Troy for indicating relative dates, was a happy thought: for still earlier times in Greece, when all chronology, except for Asia, is altogether a dream, the Babylonian computation may be adopted, which begins 1905 years before the first year of Alexander's residence at Babylon [638], and which is applicable to all Asia on this side of the Indus.

Eras of cities from their foundation were usual in Italy; Scaliger adduces from an inscription the instance of the Umbrian Interamna [39]; nor can it be doubted that the same was the practice at Ameria, as is shewn by the above-mentioned statement of Cato [*]. As to the Romans, we have no trace remaining that they reckoned their years in this way before the time of Augustus. On the other hand an era from the banishment of the kings occurs frequently; it was especially usual to employ this for dating alterations in the constitution. This is done by Cicero, by Tacitus, nay even by Gaius [40]; a coincidence, which affords ground for conjecturing that such alterations were similarly recorded in some writer followed by them all three; and this was probably no other than Junius Gracchanus, who wrote in the first half of the seventh century.

638 See my Treatise on the historical value of the Armenian Eusebius, in the Berlin Transactions for 1820, 1821.

39 Emend. Temp. p. 385. Puteoli reckoned from the foundation of the colony.

* See p. 119. n. 391.

40 In Lydus De Magistratibus I. 27: from whose quotations it appears, that what we have of Pomponius in the Digests are mutilated and incorrect extracts from Gaius.

If Dionysius was not imposed upon, this latter mode of reckoning was already in use about the middle of the fourth century: he had seen registers of the censors, which marked the year before the taking of the city as the year 119 after the banishment of the kings[641]. But, without disputing the genuineness of the registers themselves, still this date cannot have been recorded at the time; it must have been a later addition, made either harmlessly or with the design of falsifying: at the same time it must not be overlooked, that this certainly proves the use of the era in public documents, even though it be for a later age.

Had the use of this era begun with the banishment of the Tarquins, it was impossible to reckon 119 years chronologically, down to the year Ol. 97. 4: what was done or might be done afterward, is another matter. That number would imply, first, that our Fasti, which reckon 120 years of the magistracy from the beginning of the consulship until the taking of the city, are to be depended upon; and secondly, that these official years answered year for year to just as many astronomical. Now no dependence can be placed on the Fasti; as is sufficiently proved by Brutus and Horatius being named as colleagues in the treaty with Carthage[42]: I shall shew in the proper place that the consuls who are made to succeed one another within a year at the beginning of the commonwealth, in such numbers as never occur again, belong to several years. So likewise in Livy, who yet followed Cato's computation, there are wanting during this period the consuls of the years 248, 264, and 265, not to mention slighter variations: still greater discrepancies appear in the Fasti of Diodorus, which, disordered as they appear to be, deserve more attention than they have received, since the greatest difficulties in them arise from his inadvertency. He may have corrupted them, but certainly did not invent them.

That the official years should answer exactly to the

641 Dionysius I. 74. 42 Polybius III. 22.

astronomical, became impossible when the time of the magistrates expired before their successors were elected. Now it seems almost probable that at first the mode of election by an interrex was retained from the time of the kings and transferred to the consuls: at least it very easily and very frequently happened, that the outgoing magistrates did not complete the election, and that an interreign took place. Since however the new magistrates nevertheless continued in office a full year[643], two official years were longer than two civil, by the duration of the interreign. The rule seems to have been, for the new magistrates to enter upon their office on the calends or ides of a month[44]; whereby, unless extraordinary circumstances called for despatch, the commencement of the official year was put off for half a month, as often as the election was held by an interrex. But often many interreigns followed one upon another: we cannot expect to find them recorded in the earliest times of the commonwealth by Livy, who very frequently forgets them in the later.

In this way the discrepancy between years of the Fasti and civil years counted regularly on, would come to this, that, supposing the beginning of each series to have coincided in the year 1, at the end of some fifteen years perhaps the consuls did not enter upon office before Quinctilis; so that their time would be equally divided between the years 15 and 16. Now if this went on further so, it might happen that the thirtieth pair of consuls did not ascend the curule throne before the beginning of the year 31; thus a full year which had actually elapsed, would be lost in the Fasti: and though this may probably not have happened within so short a time, still it did happen, and much oftener than once. We have here an analogy, though not a regular

[643] Otherwise the promise made to them in the formulary of their election, ut qui optimo jure facti sint, was not kept.

[44] Dodwell has rendered this very probable.

one, with the comparison between a chronological series of solar and of lunar years.

Now however we see the design of the ordinance, that the supreme prætor should drive a nail in the temple of the Capitoline Jupiter on the ides of September. This is said to have been adopted because in those times writing was little used: yet the names of the magistrates were nevertheless recorded; else there could have been no Fasti. But if the object was to prevent the loss of whole years in the record of time, the mean, with all its simplicity, was suited to the end. If the ides of September fell during an interreign, either the consuls who were going out of office before that day, must have proclaimed a dictator to perform the ceremony; or the interrex proclaimed one; which cannot have been contrary to the laws regulating the nomination to the dictatorship. Every year was marked, and numbered. Now Livy informs us that the annual nail was driven in for the first time by M. Horatius at the dedication of the Capitol, and that the ides of September were the day of the dedication*: this then gave rise to the era reckoned from that day, which was used at Rome on public monuments in the middle of the fifth century[645]: and why not much earlier? In what year after the banishment of the Tarquins the dedication fell, was variously stated: the era from the banishment seems in fact to have been made to coincide with this really ancient one from the dedication.

I conceive the table seen by Polybius in the archives of the pontiffs†, to have been a combination of this table, which beginning from the dedication of the Capitol named the supreme magistrate in office on the ides of September in each year, with the chronological computations deduced by the pontiffs in their annals from an arbitrary and

* Liv. VII. 3.

645 By C. Flavius in the inscription on the chapel of Concord: Pliny H. N. XXXIII. 5: where beyond doubt we should read 204 instead of 304.

† Above, note 606, p. 205.

artificial arrangement of numbers: and that enumeration of years must have been the groundwork built upon by Varro and the author of the Capitoline Fasti. It is certainly wronging them to assume, that, where they mark a year with the name of a dictator and without consuls, their notion was that he presided over the republic for a whole year: I have no doubt that—except perhaps in a single peculiar case—they only meant to note, that, during the interval between two years so marked, the beginning of the official year had been pushed a twelvemonth forward, and likewise that there were no consuls on the ides of September. On these points they may have been mistaken or have taken liberties in particular instances: the problem, to refer events from the irregular years of the Fasti to determinate chronological years, is one we have not the means of solving.

For connecting the Roman chronology with the Grecian, the taking of the city afforded a fixed point. That event, the consequence of a national migration that rushed on with the rapidity of a torrent and threatened the remotest regions, had spread alarm as far as the Greek cities, and had even excited attention at Athens*: so it might be known with certainty, that it had happened in Ol. 98. 1 or 2. The majority decided for the former year, the archonship of Pyrgion[646]; Polybius and Diodorus for the latter.

Now a person who, following the chronological scheme I have described, without paying attention to the Capitoline era and the commencements of the secles, reckoned 360 years from Ol. 98. 1, up to the building of the city, would place it in Ol. 8. 1. Such is the computation of Fabius[47].

He that reckoned back from Ol. 98. 2, adopting the

* Plutarch Camillus c. 22.

646 Dionysius I. 74: probably after Theopompus or Aristotle.

47 Dionysius I. 74: according to the Vatican MS.

above-mentioned corrections, came to Ol. 7. 2. This is the computation of Polybius[648] and of Nepos[49]. In the former however we must take into consideration his general practice in comparing Olympiads with Roman years; which is such, that, although the Palilia fall before the summer solstice, he would reckon the second year of the seventh Olympiad as coinciding with the first of the city, which had already begun; for thus it is that he makes the first year of his history, Ol. 140. 1, answer to 532 of the city.

He that reckoned in the same way, only beginning from Ol. 98. 1, took Ol. 7. 1 for the year of the building: Cato did so. But a difficulty now arose about the mode of inserting the four years obtained from the corrections, so as to synchronize with the given period. The more correctly men perceived the nature of this chronology, the more they preferred the shortest solution. Hence Polybius adopted that statement as to the years of the several reigns, which made the sum of them amount to 240: but then to this sum he added the four years, as having been taken up by interreigns[50]; so that the first consular year fell in Ol. 68. 1[51]. Whether Cato had set him the example in this, or reckoned, as Livy does, 43 years for the reign of Numa, cannot be ascertained. The former method is unquestionably far preferable; since it makes no alteration in the several old numbers, and yet affords the same advantage of enabling us to take the years of the Fasti and the chronological years for one another: I too have adopted it.

648 Dionysius I. 74. Cicero de Re p. II. 10.

49 Solinus 2. His mention of Eratosthenes and Apollodorus can only mean that Nepos had adopted their canon for Troy and the beginning of the Olympiads: for Eratosthenes wrote that Romulus was the grandson of Æneas. See above p. 180. n. 548.

50 Cicero de Re p. II. 30. His regiis quadraginta annis et ducentis paulo cum interregnis fere amplius præteritis.

51 Polybius III. 22. Πρότερα τῆς Ξέρξου διαβάσεως εἰς τὴν Ἑλλάδα τριάκοντ' ἔτεσι λείπουσι δυοῖν: that is, 28 years before Ol. 75. 1.

The proceeding of Diodorus is altogether absurd: he must have reckoned 61 Olympiads for the time of the kings, but began from the eighth[652]: so that he jumbled together the calculations of Polybius and Fabius.

A singular misunderstanding, which I shall clear up in the second volume of this history, misled Varro to suppose that the taking of the city should be placed three years earlier, in Ol. 97. 2: one of these years was set off against the difference in Cato's computation; and thus he came to place the founding of Rome in Ol. 6. 3.

All these diverging chronological statements have a common ground: Ennius, who reckoned about seven hundred years from the foundation of Rome to his own time, stood on one entirely different. Varro censures him for this calculation as a gross errour[53]: and certainly, according to all the above-mentioned systems, about 120 years were wanting of that number, when Ennius wrote the last books of his Annals. Still it is always a mistake, to attribute ignorance on subjects of general notoriety to distinguished men, in order to account for anything in them that runs counter to the current opinion; and such a charge only brings shame on him who expresses it. Further on I shall propose another explanation, by which the father of Roman poets would be justified from the cause usual in such cases; his knowing more than his censurer: the simplest explanation however seems to be this. A person who, adhering to the old Latin chronological expression, that Rome was built 333 years after the fall of Troy,[54] agreed with the Greeks in dating the latter event, obtained for the era from the building of Rome, according as he followed Eratosthenes

[652] As the five books before the eleventh are missing, this can only be proved by inference; from the consuls, who in Dionysius fall in Ol. 75, 76, and so on, standing in the annals of Diodorus under Ol. 76. 77, and so on.

[53] Varro de Re Rusticâ III. 1.

Septingenti sunt paulo plus vel minus anni
Augusto augurio postquam incluta condita Roma 'st.

[54] See above p. 170.

or Timæus[655], about 100 or 110 years more than the writers hitherto mentioned. If Ennius, who wrote the last book of his poem in 582, preferred the authority of the Siceliot annalist, Rome at that time, according to this poetical and national view, was near upon seven hundred years old; about 692. Every way it remains equally inexplicable, how he could make Romulus the son of Ilia, not of Silvia.

But if Ennius was able to get over this contradiction in his poem, neither can it prevent us from supposing Nævius to have adopted the same chronological arrangement: indeed he did so decidedly, if it was after him that Virgil modelled the whole passage from which we know it. Perhaps there may be an express testimony which has escaped me: on the other hand Newton, in making Nævius place the building of the city a hundred years before the usual epoch[56], may have fallen under the common lot of human nature, and have erred in confounding him with Ennius.

Cassius Hemina, at the beginning of the seventh century, placed the age of Homer, which Nepos according to Greek tables dated 160 years before Rome, more than 160 years after the Trojan war[57]: he must probably have had the same computation in view.

That the second chronological scheme * was likewise made use of, we find a tolerably sure trace in an instance that is still preserved. Eutropius dated the building of Rome in Ol. 6. 3; or, at an average[58], 394 years after the fall of Troy: these two statements are not equivalent according to any of the opinions concerning the beginning

655 The former reckoned 407, the latter 417 years from the fall of Troy to the first Olympiad.

56 Chronology, p. 129.

57 Gellius XVII. 21.

* Above p. 171, note 528.

58 Cellarius has proved that this is the meaning of the strange phrase, ut qui plurimum minimumque tradiderunt. The various readings in several manuscripts and old editions are adulterations introduced into the Historia Miscella from Orosius: his 414 years (II. 4.) must have rested on some misunderstanding, which in such a writer it is not worth while to investigate.

of the Olympiads: they are entirely unconnected, and the second is most probably a false reading for 364[659]. One who reckoned the 360 years not from the fall of Ilion, but from the founding of the Latin Troja, and who added the four years spent in wandering, obtained this number.

Timæus, writing about 480, placed the foundation of Rome at the same time with that of Carthage, as Dionysius says, 38 years before the first Olympiad: the same epoch within a year occurs in other writers, probably from Apollodorus[60]. This in his tables would be 368, in Timæus 379 years after the fall of Troy. But if the latter mentioned the year 369, reckoning not backward from the Olympiads but forward from the taking of Troy[61], and if Dionysius did not remember that Timæus assumed ten years more before the first Olympiad than the current canon; he might follow that canon in determining the epoch assigned by Timæus, instead of which he should have fixed it 48 years before the Olympiads. Trogus had placed the building of Carthage 72 years before that of Rome[62]: this, dating the building of Rome with Varro in Ol. 6. 3, would be exactly 48 years before the Olympiads: and it is evident that in the history of Sicily and the neighbouring countries Trogus followed Timæus, at least very frequently. According to this we here again find the second Latin era, 360 or 364: for an absolute coincidence of time in the building of the two cities which were preparing to contend for the superiority, or an exact determination of the date of Rome, was certainly never meant by the Sicilian annalist.

I think I have sufficiently unfolded the causes of the great variations in the statements on this subject; they have anything but an historical ground. There still remains one

659 CCCXCIV for CCCLXIV.

60 Dionysius I. 74. Cicero de Re p. II. 23. Velleius I. 6.

61 Timæus reckoned 600 years from the fall of Troy to the settlement of Chersicrates in Corcyra: fr. 49 in Göller's collection.

62 Justin XVIII. 6.

to be explained, which differs essentially from all the others, that of L. Cincius Alimentus, who dated the building of the city about the fourth year of the twelfth Olympiad[663]. The question, what occasioned his departure from the table of the pontiffs, which must necessarily have been known to him, is the more important, because Cincius was really a critical investigator of antiquity, who threw light on the history of his country by researches among ancient monuments. He proceeded in this work with no less honesty than diligence[64]: for it is only in his fragments that we find a distinct statement of the earlier relation between Rome and Latium, which in all the Annals has been misrepresented by national pride. He was a senator, and prætor in the second Punic war, although at the beginning of it he had had the misfortune to be taken prisoner by the Carthaginians. That he possessed eminent personal qualities, such as strike a great man, is clear from the circumstance, that Hannibal, who used to treat his Roman prisoners very roughly, distinguished him, and related to him his passage through Gaul and over the Alps, in the manner in which Cincius afterward recorded it in his history. Now it is certainly possible, that he may have discovered Etruscan or Latin chronological tables, which he preferred to the computation of the pontiffs: yet it is more probable, that his account likewise proceeded only from a reflexion on the same statement out of which we have seen so many arise.

That Cincius had written a book on the old Roman calendar, we are informed by Macrobius[65]: that he had examined into the most ancient Etruscan and Roman cycle, is clear from Livy[66]. And it is his having paid regard to that measure of time, at a period when it had already gone quite out of use, that enables us to explain his chronological statement.

663 Dionysius I. 74. περὶ τὸ τέταρτον ἔτος. Solinus 2.

64 Even for the events of his own time Livy calls him maximus auctor. XXI. 38.

65 Saturnalia I. 12.

66 VII. 3.

During the earlier ages I cannot avoid inserting disquisitions as episodes: and I think I have the same right to claim indulgence for them, as ancient historians have to interweave episodical narratives in their works. That these digressions depart from the character of oral discourse, which history ought always to bear; that they are only writings, and can only be read by the learned in the solitude of the closet; is an unavoidable disadvantage, to which I certainly do not subject myself willingly. But it seems to me more unpretending, to combine the narrative and the disquisitions into one work, than to reserve the latter for separate treatises, and to assume their results in the former as established: at least such a mode of treating the subject accords with the way in which this history arose and grew.

On the SECULAR CYCLE.

It is well known that, before the Julian reformation of the calendar, the Roman was a lunar year, which was brought, or was meant to be brought, into harmony with the solar by the insertion of an intercalary month. The great Joseph Scaliger, with that piercing eye which converts the declarations of such as know not what they are saying into evidence of truth, discovered the original system of this computation with indisputable certainty. He has shewn that the principle was to intercalate a month, alternately of 22 and 23 days, every other year during periods of twenty-two years, in each of which periods such an intercalary month was inserted ten times, the last biennium being passed over. As five years made a lustre, so five of these periods made a secle of 110 years[667].

The notion that Italy was in a state of barbarism, and that science was first introduced there through the intercourse between Rome and Greece, must give way, when on the contrary we see this easy and regular computation of time so entirely forgotten in the very age of literary refinement, that Cæsar found the year 67 days in advance of the true time, and was forced to borrow his reformation of the calendar from foreign science. Utter ignorance of mathematics and astronomy, the results of which, without the science, had been imparted to the Romans by the Etruscans, may have occasioned this confusion early: but it was turned to account and aggravated by the shameful

667 De Emendat. temporum, 180 and the following pages.

dishonesty of the pontiffs, who, having assumed the power of intercalating at discretion, favoured sometimes the consuls, sometimes the farmers of the revenue, by lengthening the year, or by shortening it oppressed them.

It is notorious, that, according to concurring statements of the most credible ancient writers on Roman antiquities, the year of Romulus consisted of only ten months or 304 days. Among the multitude of witnesses on this point, it is sufficient to refer to Censorinus and Macrobius, who state the number of days in the months[668]. This year, which taken by itself agrees neither with the moon nor with the sun, appeared so absurd to those who were accustomed only to the Grecian and the later views on the subject, that Plutarch almost doubts it could ever have existed; nay, what is much more remarkable, Scaliger entirely rejects it as a fiction, and following Licinius Macer and Fenestella, who however were likewise only unable to understand it, assumes as certain, that the Roman year contained twelve months from the beginning[69]. But beside the above-mentioned statements, which are equalled in precision by few remaining from the earliest times, and therefore must by no means be rejected, if any ground is to be left for history to build on; we find unequivocal proofs that this year was once actually in use, and more than one evident trace of its application at a later period, when it was no longer known. And it appears from the cyclical relation borne by this year to the lunar intercalated year explained by Scaliger, and to its secular period, that the former was on the one hand applicable along with the other as a running correction, and on the other hand was preferable to it for scientific uses.

The first key to understanding this system occurs in a passage of Censorinus; where he says, that the lustre was the old Roman great year*, that is, the cycle in which the beginning of the civil year was made again to

668 De die natali 20. Saturnal. I. 12.

69 De emendat. temporum, p. 173.

* De die natali c. 18.

coincide with that of the solar. It is true indeed at the same time that he confounds the lustre of his own age, the Capitoline Pentaeterid, as some Greeks do the Olympiads, with the ancient lustre in regard to its duration: but that a philologer living in a late age takes a wrong view as to the meaning of ancient statements, does not lessen their value and their use, when the misunderstanding can be pointed out so distinctly as in the present case[670].

Five Egyptian solar years of 365 days contain 1825; six Romulian years of 304 only 1824 days. In five years accordingly the Roman computation lost a day compared with the Egyptian civil computation, which had no leap-year; but in 1461 years it returned to its original point of starting with the loss of a year, as the circumnavigator of the world does with the loss of a day: and compared with the corrected Julian calendar it lost nearly two days and a quarter. Now this indeed would be so great a variation, that, unless other divisions of time, evidently parts of the same system with the year of ten months, presented a regular intercalation, with that ease and harmony which is self-evident proof, the cyclical use of such a year would certainly be improbable.

These divisions are the greatest and the smallest of the Etruscan periods; the secle, and the week of eight days. The former was likewise the measure for the cycle of the intercalated lunar years. The latter was preserved among the Romans, in the practice of holding the market on every ninth day, the nundines: among the Tuscans, or rather according to their system, this day was also called the nones; and it is in connexion with this division of time, that the ninth day before the ides permanently retained that name. But the Roman nundines stood in no relation to the body of their year; and the nones were nothing more than a certain

670 Censorinus de die nat. c. 18. If there be any who is not entirely convinced by Scaliger's arguments to prove this point, and to shew that the duration of a lustre was five civil years, I refer him to some more specific observations which I shall make when I come to the institution of the censorship.

day in the month: whereas among the Etruscans they really marked the weekly periods, and every ninth day was the day of business, on which their kings gave audience and administered justice[671]. The year of ten months and 304 days is exactly divisible into eight-day weeks, that is, into 38 of them: accordingly it contains 38 ancient nones; and this very number is that of the *dies fasti*, retained even in the Julian calendar[72]. So that this number was preserved, according to the characteristic Roman way of proceeding: but, since it was utterly insufficient, a far greater number of other days was added under different names for the business of the forum. Now as the weeks began every year on the same day of the month, the number of days in the intercalary months, if there were such, must likewise have been divisible by eight: otherwise that order would have been disturbed. But if an intercalary month of three Tuscan weeks, or 24 days[73], was inserted twice in the secle or cyclical period of 110 years or 22 lustres, that is, in the eleventh and the twenty-second lustre, there results at the end of that period a surprisingly close approximation to the true time, and a correction for the cycles of the lunar year. For the five periods which form the secle, according to the computation of Scaliger, who sought no higher degree of exactness than that of the Julian calendar, contain 40177 days: whereas the sum of the days in the cyclical years after the intercalation just mentioned, is 40176.

This cycle then is more exact than the Julian computation, in which the tropical year is taken at 365 days, 6 hours: for it gives as the length of that year $365^d\ 5^h\ 40'\ 22''$, which is $8'\ 23''$, too little; while the Julian

671 Macrobius Saturnalia, I. 15.

72 Manutius arrived at this number by counting them up, without inquiring into its cause: de dier. ratione, in Gothofredus auctt. p. 1382. a.

73 I conceive myself the more justified in assuming the intercalary month, the Mercedonius, to have been shorter than the rest, since that of the lunar year likewise contained only 22 or 23 days.

year is too long by 11′ 15″. We cannot indeed assume that the calculation which determined this period, contained seconds; and we must also observe that no people has undertaken, nor is it practicable, to adapt the civil year to the astronomical so precisely, that the theory of the men of science about the length of the latter can be exactly discovered from a cyclical period however great. It cannot be positively denied, that the space of 15^h 22′ 10″, by which the cyclical period of 110 years is too short, and which in 172 years amounts to a day, was made up by further intercalations: but since the application of the numerical rules, which up to this point produce a complete system, is no longer sufficient, it is on this ground extremely probable that the Etruscans had fixed the tropical year at precisely 365^d 5^h 40′.

Of this profound science indeed nothing is said by Censorinus or any other Roman: and Ennius is reported by Censorinus[674] to have assigned 366 days to the solar year. But by this he either meant only that a part of the 366th day also belongs to the tropical year; or he set down without understanding it, what at all events he had only heard from others. In Rome itself the ignorance of astronomy was then undoubtedly very great: and if the science of former days was not already extinct, as it became in later times, it continued to exist only in its results among the Etruscan priests; just as the Bramins mechanically make use of formules, the scientific deduction of which they neither know nor would be able to comprehend.

Now from its scientific exactness it follows that this year, which was by no means an empty form, might be practically useful along with the civil year, after the latter had been accurately regulated. For it is clear that in the last period of the secle, instead of an intercalary month of 23 days, which the regular order required, it became necessary to intercalate one of only 22 days, for preserving

674 c. 19.

the harmony between the two systems. This correction was easy, so soon as a true account of time was kept from the beginning to the end of the secle: and for the sake of guarding against the confusion threatened by the movable commencement of the years in the Fasti, the practice was resorted to of driving in the nail, which at Rome was done in the Capitoline temple: to this usage, as we have already observed, the Romans, after the dedication of that temple, were indebted for a true record of time. The meaning of this solemnity, which to later generations in their ignorance appeared ludicrous, and which probably ceased as soon as the time for the consuls to enter upon office became fixed, had already been forgotten about the middle of the sixth century. Hence Cincius related that he had found the same marks at Vulsinii in the temple of Nortia; he supposed they were scores of the years made at a time when writing was rare[675]. The object was, to determine how many lustres had elapsed since the beginning of the secle: the close of a lustre, *lustrum conditum*, was beyond doubt noted in a similar manner.

The whole Eastern world has followed the moon in its calendar: the free scientific division of a vast portion of time is peculiar to the West; the fruit of many centuries of observations made in the earliest ages of the Western world. Connected with this Western world is that primeval extinct world, which we call the New. The ancient Aztecans, whose calendar was the most perfect anywhere used for civil purposes before the Gregorian, calculated a great year consisting of 104 solar years[76]. They divided it according to their system of numeration, in which twenty-five was the base. During this period they likewise had two intercalations, of 25 days between them: and

675 Livy VII. 3.

76 An excellent treatise on the Mexican chronology is *D. Antonio Leon y Gama*, *Saggio dell' Astronomia Chronologia e Mitologia degli antichi Messicani*, *Roma* 1804 (a translation from the Spanish) for the knowledge of which I was indebted to the kindness of Professor Ideler.

it is impossible in considering the Mexican festivals of the new fire at the beginning of the new secular period, not to be reminded of the Roman, or, properly speaking, the Etruscan secular fèstivals; the more so, since at Rome a new fire was kindled in the temple of Vesta on every first of March. On this point every one may certainly judge as he is inclined: only let not the explanation here given of the cyclical year be called a groundless hypothesis, because its contents cannot be quoted word for word from ancient writers. What results so essentially from this measure of time, with such absolute arithmetical precision, and in exact harmony with another system the existence of which is undoubted, cannot be owing to a sport of chance, any more than mathematical diagrams in the sand. And this is still more decisive than the consideration, that we have only our choice, between supposing the earliest Romans not only ignorantly but senselessly to have used a calendar dictated by no analogy in nature or science, and supposing them to have used one which had been calculated by a learned people. To assume with Macrobius, who misunderstands the cycle, that, when the seasons did not agree with their months, they let a time pass which had no name at all, is, from ignorance of the modes of thinking prevalent even among the rudest tribes, to degrade the Romans below the Iroquese in barbarism. We certainly do not mean to class Romulus among the astronomers, which Scaliger deprecates: but the name of the Romulian may and indeed is meant to signify no more than the original cyclical year.

The Roman archeologers however must have been mistaken in two of their suppositions; that the calendar of ten months was originally the only one in use, and that it was afterward given up entirely. The former is improbable; because that calendar bears so close a relation to the cycle of the lunar year, that it can scarcely be doubted they were formed at the same time; moreover the earliest calendar for popular use would nccessarily observe the

changes of the moon: and such a one, which adapted itself to the seasons of the year, must always have been wanted. The second supposition is erroneous: on the contrary the year of ten months was undoubtedly still in use long after the time of the kings; and it continued to be applied in certain cases, the original import of which was not recognized by later generations.

The Etruscans followed the honest rule of making peace only under the form of a truce for a definite number of years. The Roman treaties with Veii, Tarquinii, Cære, Capenæ, and Vulsinii, are mentioned, almost without exception, as truces, with the addition of the stipulated term. But now the Etruscans are not charged with having broken any of these treaties; though hostilities almost always recommence before the years of the truce according to the Fasti have expired. One instance among several quite unequivocal, which will be pointed out in the course of this history, is furnished by the peace with Veii in the year 280. This was concluded for forty years. In 316 Fidenæ revolted, and joined Veii *: which implies that the latter was already in a state of war with Rome. That revolt excited great indignation among the Romans; yet they do not accuse the Veientines of having broken their oaths. A still clearer instance is Livy's saying in the year 347, when according to the Fasti eighteen years had elapsed of the truce made for twenty years in 329, that the truce had expired [677]. This can only be explained by applying the year of ten months: for 40 of these are equal to $33\frac{1}{3}$ ordinary ones, 20 to $16\frac{2}{3}$: so that in the first case the pacific relation had already ended with the year 314; in the second, with the year 346.

It was unquestionably in the spirit of the Etruscans and Italians, to make use of an unalterable computation of time in cases where even involuntary transgression threatened to draw down punishment from the gods: and

* Livy IV. 17. Fidenæ—ad Veientes defecere.

677 Livy IV. 58.

ancient customs, maintained that the old calendar continued in use until the time of Tarquinius, that is, Priscus[680]. Now the pontiffs reckoned 132 years before that king[81]: if Cincius assumed these to be cyclical years, he had exactly a secle for the first four kings; and if he subtracted the difference, 22 years, from the Polybian era, there would result for the building of the city the very date Ol. 12. 4.

680 Censorinus 20.

81 See above p. 214.

THE BEGINNING OF ROME AND ITS EARLIEST TRIBES.

When the existence of an unknown southern continent was generally believed, when its outline was drawn on maps, and it was deemed presumptuous incredulity to reject it as a fiction, an essential service was then done to knowledge by the voyagers who crossed that outline, and shewed that, though certain points and coasts included in it really existed, they conferred no reality on the imaginary continent. A further step was to give a comprehensive proof of its nonexistence. But the demands of geography could be satisfied only by the examination of the several islands which existed in the place attributed to the supposed continent; and if the navigator was kept off and prevented from landing on them by reefs and breakers, if mists obscured his view of them, still what he perceived was no longer merely negative gain: and many inferences might be drawn from our knowledge of such countries, as there were good grounds for considering to be similar or identical in their nature and population with the regions which could not be directly explored.

I do not inquire who built Rome, and gave laws to her; but what Rome was, before her history begins, and how she grew out of her cradle: on these points something may be learnt from traditions and from her institutions. What by long meditation on this subject has to me become clear and certain, I am now about to communicate; not in the form of a never-ending scrutiny into every minute circumstance that I have in view, but subject to the

law of asserting nothing however slight with any other than the precise shade of conviction which it has in my own mind, and exercising that active freedom without which such a task becomes irksome.

That Roma is not a Latin name, was assumed as self-evident[682]; and there can be no doubt that the city had another, of an Italian form, which was made use of in the sacred books, like the mysterious name of the Tiber. The name Roma, Greek in form like that of Pyrgi, belonged to the city at the time when it, as well as all the towns in its neighbourhood, was Pelasgian; to the little Roma of the Sicelians or Tyrrhenians, on the Palatine hill. A remembrance of that time is preserved in the statement of Antiochus, that Sicelus came from Roma; and also in the Cumæan chronicle: and if many Greek writers called Rome Tyrrhenian[83], I have already mentioned my belief, that, at least in several of them and originally, this unlucky ambiguous name does not mean the Etruscans, but the ancient Tyrrhenians. When the Sicelians were subdued by the Cascans, this settlement likewise fell: yet, although it was undoubtedly only as dependents that the former were united into one people with their conquerors, some houses at least obtained a more favorable footing.

All legends agree in recognizing the Palatine as the site of the original Rome: and according to the general native mode of fortification we cannot but suppose it to have covered the hill, the sides of which its inhabitants, as well as they could, cut precipitously away. That a city, in such very remote ages, should have drawn the line of its walls here along the valley round the hill, is not conceivable; only in the course of time, here as at Athens, did the original city become the citadel. What Tacitus describes as the pomœrium of Romulus[84], is an

682 Macrobius III. 9. Romani ipsius urbis nomen Latinum ignotum esse voluerunt.

83 Dionysius in the passage quoted above, n. 547. 84 Annal XII. 24.

enlargement of the original compass; a suburb, a borough, round about the city, scantily fortified with a wall and a narrow ditch, as the chronicles tell of the Borghi round Florence: it is this weak fortification that Remus scoffs at in the legend. The word pomœrium itself seems properly to denote nothing else than a suburb taken into the city and admitted within the range of its auspices. From the statement of Tacitus, that of Romulus ran from the Forum Boarium—that is, from the neighbourhood of the Janus which, according to a tradition one would gladly believe, was considered in the middle ages as the remains of the palace of Boethius, the last Roman—through the valley of the Circus; then from the Septizonium to below the baths of Trajan[685]; thence finally, perhaps along the Via Sacra, to the forum: here was a swamp reaching to the Velabrum. Another borough, of later origin as its situation proves, stood on the Carinæ, near S. Pietro in Vincoli: it had an earth-wall toward the Subura[86]; and the gate at the foot of the Viminal spoken of in the legend of the Sabine war[87], the Porta Janualis, can have been no other than that which closed the bottom of the ascent leading up to the Carinæ.

The remark of Dionysius, that the Aborigines dwelt in thickly scattered villages upon the hills, applies to the neighbourhood of the original Roma, whatever opinion may be entertained as to the primitive inhabitants. One of these places, as I have already observed, seems to have been called Remuria: one on the other side of the river, somewhere near S. Onofrio, Vatica or Vaticum; for it must have been from a place so called that the ager Vaticanus received

685 Commonly called the baths of Titus: Blondus found this district still described in legal documents as the Curia Vetus, and so called by the inhabitants. Roma Instaurata, II. 32.

86 Varro de l. l. IV. 8. p. 15.

87 Macrob. Saturn. I. 9. Cum bello Sabino Romani portam, quæ sub radicibus collis Viminalis erat, claudere festinarent. This is the legend related above p. 194.

its name[688]: the tradition too which places another village on the Janiculum, may deserve attention, however little may be due to its pretended names Ænea or Antipolis*. These villages were assuredly the first that disappeared before Rome.

Incomparably more important was the town on what in early times was called the Agonian hill, the town of which the Capitoline may be considered as the citadel: for the skirts of these two hills met, where a part of the Forum Ulpium was afterward situated; while from the Velabrum across the forum as far as the Subura a swamp and marsh separated this town from Roma on the Palatine. If we inquire after the particular name of this town, I think I may assume without scruple, that it was Quirium; for that of its inhabitants was Quirites[89]. The derivation of Quirites from *Cures* does but badly, that from *quiris* not at all: assuredly too the earlier legend described Numa as a citizen of Quirium, not of Cures. The later name of the hill, the Quirinal, is derived from that of the town.

That this hill was inhabited by Sabines is as certain, as any well established fact in the ages where we have contemporary history: nor is this certainty lessened by the tradition connecting itself with the war of Tatius and the heroic lay. That the Sabines were an element of the Roman people, appears from the greatest part of the Roman religious ceremonies being Sabine, and referred, some to Tatius[90], some to Numa. The connexion too between the Quirinal and Capitoline hills was preserved in unquestioned tradition[91]: the place where the house of Tatius had stood, was

688 After the analogy of the ager Albanus, Tusculanus, Lavicanus, and so on.

* Dionysius I. 73. Pliny III. 9.

89 According to the analogy of Samnium, Samnis. By the way, the town, a citizen of which was called *Interamnis*, (Cicero pro Milon. c. 17.) a name altered by the critics into *Interamnas* contrary to the manuscripts, must have been *Interamnium*: the other town was *Interamna*.

90 Varro de l. l. IV. 10. p. 22. Dionysius II. 50.

91 Τάτιος (ᾤκει κατέχων) τὸ Καπιτώλιον ὅπερ ἐξ ἀρχῆς κάτεσχε,

shewn in the Capitol, on the spot where the temple of Moneta was afterward built[692]. The Sabines, when they had driven the Cascans and the Umbrians before them, pushed their conquests further and further down the Tiber: hence their towns Collatia and Regillum amid the Latin ones in this district[93]: the Latin or Siculian towns amongst which they established themselves, it is more than probable, were subject to them. Nor did the original Roma escape this lot; though she may for a considerable time have maintained herself against the rival town which was rising on the opposite side of the intervening marsh. Roma and Quirium were two completely distinct cities, like the Greek and Hispanian Emporiæ, separated as states, and by walls: like the Phœnician Tripolis of the Sidonians, Tyrians, and Aradians: like the Oldtown and Newtown of Dantzic in the middle ages, and the three independent cities of Kœnigsberg, which made war with one another, while their walls met: like the Gætulian Gadames, where two hostile tribes dwelt within the same inclosure, separated from each other by a partition-wall. All traces of the steps by which the two cities came to be united into one state, have not been effaced. A tradition was preserved, that each had its king, and its senate of a hundred men[94], and that they met together in the Comitium, which thence received its name, between the Palatine and the Capitoline hills[95]. Let me not then be charged with

καὶ τὸν Κυρίνιον ὄχθον. Dionysius II. 50. One may suppose that the first Sabine settlement was on the Tarpeian rock: cum Sabini Capitolium atque arcem implessent: Livy I. 33. If the junction of the Quirinal with Rome is ascribed to Numa (Dionysius II. 62.), this is in reference to the Sabine character of that district.

692 Plutarch Romul. c. 20. p. 30. c.

93 Collatia, et quidquid circa Collatiam agri erat, Sabinis ademtum. Livy I. 38. Regillum is spoken of as Sabine II. 16; Dionysius V. 40.

94 ἐβουλεύοντο οἱ βασιλεῖς οὐκ εὐθὺς ἐν κοινῷ μετ' ἀλλήλων, ἀλλ' ἑκάτερος πρότερον ἰδίᾳ μετὰ τῶν ἑκατόν, εἶτα οὕτως εἰς ταυτὸν ἅπαντας συνῆγον. Plutarch Romul. c. 20. p. 30. c.

95 I am aware that the word *comire* was considered only as containing a tradition of the meeting in which the two kings concluded the treaty (Plutarch

old Roman usage of combining such names by mere juxtaposition, *populus Romanus Quirites*[701]: which in later times was distorted into *populus Romanus Quiritium*. For although subsequently the names Quirites and plebeians were synonymous, this ought not to shake the credit of the tradition, that the former were properly the Sabine subjects of Tatius. It is easily explained how the name was transferred to the plebeians, who were now placed in similar circumstances, after all distinction had ceased between the Romans and the ancient Quirites. By this union Romulus was converted into Quirinus: and Quirium probably became that mysterious Latin name of Rome, which it was forbidden to utter.

Immediately after the federal union of the two cities, tradition places the division of the people into the three tribes, the Ramnes, Tities, and Luceres; and into thirty curies. I set no value on this date as a historical testimony: there may be far more weight in the circumstance, that such a division seems to presuppose a real union of the two political bodies. But be this as it may, and at whatever time the origin of the division may be placed, there still remains the difficulty, that along with the two tribes, which are to correspond with the Romans and the Quirites, a third makes its appearance. Its name, Luceres, was derived by most[2] from Lucumo, who is said to have been a Tuscan ally of Romulus, and to have fallen in the Sabine war[3]; by some from a Lucerus, king of Ardea[4]: in other words, the former held the citizens of this tribe to be Etruscans; the latter, Pelasgian Tyrrhenians.

[701] This is established by the learned Brissonius de Form. I. p. 61: he only goes too far in imputing to the transcribers the later corruption, which Livy found already in use, and in wishing to rid Roman writers of it. This exaggeration was the cause why even that excellent critic I. F. Gronovius failed to perceive the truth of the remark. Obss. IV. 14. p. 691. ed. Lips. It is like *lis vindiciæ* and *lis vindiciarum*.

[2] And among them by Cicero de Re p. II. 8.

[3] Only because he appears no more afterward.

[4] Festus v. Lucerenses. They were also called Lucertes and Lucomedii.

Now since this Lucumo was also supposed to be the same person with Cæles Vibenna, it was said that his Etruscans had settled on the Cælian[705]: but this is at variance with the historical account of Cæles. It seems more probable, if such an expression may be applied here, that the Luceres were the inhabitants of the borough on the Carinæ: a point on which we cannot be mistaken, is, that they were annexed to the two former tribes with inferior civil rights.

Now wherever tribes are mentioned in ancient history, before an irresistible change of circumstances led to democratical institutions, there, so far as anything can be discerned of their nature, a difference either of caste or of national descent is clearly apparent. The former existed indisputably among the earliest Attic tribes, which must be conceived to have been anterior to the Ionian immigration, the nobles, peasants, and craftsmen[6]: it is less clear in the four Ionic tribes. For although their names appear to express conditions and callings more or less clearly, and remind one of the four tribes of Dgiamschid, the priests, warriors, husbandmen, and shepherds, it must not be overlooked that in rank, as to which the order of the names is unquestionably decisive, the Hopletes are the last[7]. This contradiction might perhaps be reconciled by the hypothesis, that these tribes were indeed castes, while the Ionians dwelt in the Peloponnesus; but that afterward, when they united with a part of the native Atticans and formed one people, a general division ensued; only the names of the tribes being retained, from the usual anxiety not to abolish what had been handed down: their substance however was entirely done away, and their order changed.

705 Dionysius II. 50. Ῥωμύλος τὸ Παλάτιον (κατέχων) καὶ τὸ Καίλιον ὄρος. Elsewhere he says that Cælius had come from Etruria and settled there. II. 36.

6 Julius Pollux VIII. 111. quoted above, p. 124. note 410.

7 Not only according to Herodotus v. 66, but also according to the Cyzicene inscription there cited by Wesseling.

As to the establishment of tribes according to the difference of race, two instances from the earlier times of Greece are sufficient. Demonax distributed the Cyrenians into three tribes: into one he collected the Theræans and their subject peasantry; into the second the Cretans and Peloponnesians; into the third all the other islanders [708]. Another instance is furnished by Thurium: first in the relation between the old Sybarites and the new citizens,—although that belongs also to another head,—next in the division of the latter, when they alone remained, into ten tribes, according to their descent from the Peloponnesus, from Athens and Ionian towns, or from other nations between the Isthmus and Thermopylæ [9]. Still nearer home we find a similar instance at Mantua: where the "strength of the Tuscan blood" among the three tribes can only be explained to mean, that one of them, the ruling one, was Tuscan; the others foreign; Ligurian or Umbrian [10].

Now if the rise of the Romans from the Sabines and another people is to be considered as a credible tradition, the ancient opinion, that, after the union of the two towns, the citizens of each formed a separate tribe, is exceedingly probable. But that the state should ever have consisted of only two tribes, when the word tribe itself expresses

708 Herodotus IV. 161. In this division it deserves to be noticed, that, although at Thera there was a narrow aristocracy, and a very limited number of houses was eligible to the government, in this colony the Theræans and their subjects are on an equal footing.

9 Diodorus XII. 11.

10 On the well-known lines Æn. x. 201, and foll.

—sed non genus omnibus unum.
Gens illi triplex, populi sub gente quaterni:
Ipsa caput populis, Tusco de sanguine vires:

Servius, wretchedly as he has been disfigured in the later books, has yet preserved a scholium of some value: quia Mantua tres habuit populi tribus, quæ in quaternas curias dividebantur. *Gens* is used for *tribus*, as in Herodotus I. 125 the ten tribes of the Persians are called γενεα, and the φρήτρη of the Achæmenids is contained in the γένος of the Pasargads. In Virgil populi are probably demes: at least the sense, Mantua is the chief among twelve demes, is easy; whereas the words must be very curiously strained to mean, she is the chief of the curies contained in her tribes. On Tusco de sanguine vires, Servius says: quia robur omne de Lucumonibus (from the ruling Etruscans) habuit.

the threefold partition, is still more improbable, than that Roma and Quirium before their union should not each have been divided into tribes. The solution of this difficulty I believe I have found in the nature of the colonies of the Italian nations.

The colonies of the Romans and the Latins bear no resemblance at all to the plantations peopled from England, which have thrown all those of former times into the shade: but they bear some in many points to the Spanish settlements in the New World, and are remarkably similar to the Venetian colony in Candia. It is an essential part in the notion of an old Roman colony[711], that it takes possession of a city already inhabited[12]; modelling itself there after the laws of the people out of which it has issued. Now among those relations, which are nothing else than accounts of the earliest institutions cast in a historical form, are the two following: that originally the Roman territory was divided into three districts, whence the three tribes received their name[13]; consequently each had its corresponding region, as the share allotted to it: and that Romulus took a third of their territory from the cities he conquered, and settled three hundred Roman colonists in each[14]. If these two relations are combined,

[711] With the military colonies it was otherwise; and in the colonies in Cisalpine Gaul the rule could not be pursued: first, because there were no Gallic towns; but in the next place no amalgamation could take place with the Gauls, until Latins had dwelt very long amongst them.

[12] Servius on Æn. I. 12: a passage which I shall transcribe at length and discuss in the section on the Latin colonies.

[13] Varro de l. l. IV. 9. p. 17. Ager Romanus primum divisus in partes tres, a quo tribus appellatæ Ramnium, Titiensium, Lucerum.

[14] Dionysius II. 35. ὁ δὲ Ῥωμύλος τριακοσίους ἄνδρας εἰς ἑκατέρας (τὴν Καινίνην καὶ Ἄντεμναν) ἀποίκους ἀπέστειλεν, οἷς ἔδοσαν αἱ πόλεις τρίτην κατακληρουχῆσαι μοῖραν τῆς ἑαυτῶν γῆς. From this it is clear in what way the Annals mentioned the sentence passed on Cameria, where Dionysius relates (50.) χώρας ἐζημίωσαν τῇ τρίτῃ μερίδι: and on Fidenæ (53) φυλακὴν ἐν τῇ πόλει τριακοσίων ἀνδρῶν καταλιπὼν, τῆς τε χώρας μοῖραν ἀποτεμόμενος, ἣν τοῖς σφετέροις διεῖλεν, ἄποικον ἐποίησε Ῥωμαίων.

we here discover that it was the system, in a conquered town, the dependence of which was to be secured and its forces appropriated to Rome, to settle citizens who were to have the whole government in their hands: for although but a third of the land was assigned to them, so that they were only a single tribe, this was the ruling one, out of which alone undoubtedly the senate was formed, as it was originally at Rome likewise out of but one race: they too were exclusively eligible to magistracies. Not that the old inhabitants were reduced to servitude: they were distributed into two other tribes, enjoyed many privileges, and generally became incorporated with the colonists into one people: instances of insurrections in colonial towns are not very numerous. Yet it is true, some such happened: thus Fidenæ and Velitræ revolted; which would sound incredible, if in agreement with Livy's description their citizens had been Roman colonists, who in that case would have thrown away the lands they had received: but it is very intelligible if the colonists were overpowered or massacred, as at Sora, by the old inhabitants.

Moreover, a like correspondence between the tribes and their regions holds also of the cities which were forced to receive colonies; and where a region was lost, a corresponding tribe was suppressed. A loss of this kind may have been occasioned by the Sabine settlement: Roma may have already been a colony before, consisting of a ruling and two subordinate tribes; that which became extinct may have been one of the latter. Before the union of the Ramnes and the Tities, the Luceres will have had no share in the government; nor did they acquire it by that event: it was a foreign prince who first conferred it upon them, with the view of opposing them to the two leading tribes.

Now the Fasti during the earliest times of the consulship contain names which attest the descent of patrician houses from a variety of nations: for instance, Cominius Auruncus, Clœlius Siculus, Sicinius Sabinus, Aquillius Tuscus: beside a still greater number derived either from

well known towns, as Camerinus and Medullinus; or from such as undoubtedly existed once, although their names do not occur in history, as Viscellinus, Maluginensis, Vaticanus. Of Cameria and Medullia it is expressly said, that Romulus admitted their citizens among his people: the Auruncians were the nation to which the Cascans belonged.

We can scarcely discern in the historians preserved to us, how the rights of citizenship were gradually extended to the second and the third tribe; except in the accounts of the additions made to the number of the senators: in these, notwithstanding discrepancies in the details, the progression is evident. All agree in supposing the senate to have consisted at first of a hundred: Livy alone makes no mention of its enlargement after the peace with the Sabines: the common tradition, in accordance with a correct view of the subject, relates that it was doubled. A few writers stated that the number was raised only to a hundred and fifty[715]: these conceived that all the three tribes were represented, each by fifty, as in the council of Five-hundred at Athens; and that before the federation with the Sabines the two tribes of Romulus and Lucumo were so by the original hundred. In what relation this stands with the account that Tarquinius Priscus doubled the number[16], I shall explain in the proper place: here it is sufficient to acknowledge that the statement in Dionysius, of the senate being augmented by that king from two to three hundred, is evidently the correct expression for the admission of the third tribe: whereas on the contrary the account of his having filled up the number by adding two hundred[17], implies erroneous notions.

715 Dionysius II. 47. Plutarch Numa c. 2. p. 60.

16 See below note 894. Those who wrote of Tullus Hostilius, that he increased the number of the knights by ten turmes, or by a third; and also that of the senate, but without determining in the latter case by how many; must likewise have supposed, that these new senators were fifty in number and a third of the whole.

17 Zonaras VII. 8.

Dionysius says, that Numa, without taking any of their rights from the original citizens, the Albans of Romulus, put a stop to disputes among the patricians, by granting other honours to the new citizens, the Sabine tribe[718]. Here is a misunderstanding which it is not difficult to correct: no new honours were invented on the union of the two cities; but the number of those which already existed, was doubled, wherever it was possible. This appears most clearly in the colleges of priests.

There were only four Vestals, before the senate was thrown open to the third tribe: the same king who enlarged its civil capacities, added two more virgins, that each tribe might have its own[19].

According to the same principle, as Livy had been informed, there should have been one augur, or, if more, an equal number, for each tribe[20]: hence, because there were only four when the Ogulnian law was passed, he conjectures that two places must have been vacated by deaths. But that law can never have paid regard to such an accidental diminution of the number, or have made it a ground for abridging the rights of the patricians: it is clear that only the first two tribes had augurs, two apiece, and that Tarquinius did not grant an equality to the third in this case, as he had done in that of the Vestals. The institution of two out of these four is ascribed to Numa[21].

The pontiffs likewise had continued to be four in number, half for the Ramnes, half for the Tities[22]. The Fecials,

718 τοὺς πατρικίους οὐδὲν μὲν ἀφελόμενος ὧν οἱ κτίσαντες τὴν πόλιν εὕροντο, τοῖς δ' ἐποίκοις ἑτέρας τινας ἀποδοὺς τιμάς, ἔπαυσε διαφερομένους. II. 62.

19 Festus v. Sex Vestæ Sacerdotes: Dionysius II. 67. III. 67. Plutarch, (Numa c. 10. p. 66. d.) ascribes the last augmentation to Servius, but is aware of a preceding one, from two to four.

20 Livy x. 6.

21 Cicero de Re p. II. 14. What is said, in the same work II. 9, about Romulus appointing three augurs, is only founded on the same supposition, that it was necessary each tribe should have its own.

22 According to Livy's express testimony x. 6. Cicero indeed says, that

the judges of international law, were twenty[723]; that is, one from each cury of the first two tribes: thus also four, two from each tribe, used to be sent on embassies[24].

The same principle of equalizing the two tribes appears in the fraternities. The original Salian priests of Gradivus had their chapel and sacred things on the Palatine; for they belonged to the primitive Romans: the Agonales, the priests of Pavor and Pallor, had their sanctuary on the Quirinal; consequently they were of Sabine origin[25]. So confessedly were the Sodales Titii: they probably answered to the Fratres Arvales. Lastly even the Luperci had two colleges; the Fabii and the Quinctilii. The former, who are mentioned as the comrades of Remus, may be considered as the Sabine fraternity; the more probably, as the Fabian house seems to have belonged to the Sabines[26]: the jealousy of the two tribes gleams through the legend[27]. It may have been the wish to deal evenly with both, that determined the number of the duumvirs who kept the Sibylline books, and that of the *duumviri Perduellionis*; nay even that of the consuls, unless the laws of Servius designed one of them to be a plebeian.

Had the royal dignity been entrusted for life to two elective magistrates, it would have endangered the peace of the state: the survivor would have found it easy to

Numa instituted five pontiffs (de Re p. II. 14.); but here he reckons the chief pontiff with the major pontiffs, among whom he was not included. Had their number been five, the Ogulnian law would have added just as many plebeians, not four merely; especially as five was the plebeian number. After that law was passed, including the chief pontiff they made nine, like the augurs; being the same multiple of the number of the original tribes: hence Sylla augmented them to five times three.

723 Varro 3 de vita p. R. in Nonius de doctor. ind. XII. 43. v. Fetiales. fetiales viginti qui de his rebus cognoscerent, judicarent, et constituerent (statuerunt).

24 Varro in the passage of Nonius last quoted: fetiales legatos res repetitum mittebant quatuor. By the way, in the same paragraph, where the edition of Mercerus has *magna licentia* bella suscipiebant, and the interpolated editions *nulla licentia*, the true reading is *magna diligentia*.

25 This was overlooked in the tradition which attributes the institution of them to Tullus Hostilius.

26 See p. 271. n. 756. 27 Ovid Fast. II. 361, and foll.

prevent the election of a successor to his colleague, as Romulus is related to have done. Instead of the number being doubled, the practice was adopted of electing from the Romans and the Quirites alternately; as is visible in the instances of Tullus and Ancus, the former of whom is connected with the Romans through Hostus, the latter through Numa with the Quirites. Numa belongs to the earlier order of things, when one tribe elected out of the other.

With regard then to the regal and priestly offices, it is evident that the full privileges of citizenship belong only to the first two tribes, and that the third, except as to the Vestals, stands on a lower footing. Hence, as the whole body of the original citizens are called the patrician houses[728], the third tribe properly bears the name of the minor houses. The votes of the senators of this class were taken after those of the major houses[29]. The distinguishing epithet answers to the difference in civil rights; which was so trifling between the first two tribes, that the errour of Dionysius in applying the name of minor houses to the second, falls to the ground of itself, as soon as it is pointed out.

A certain precedency indeed the first tribe must have maintained; and this is agreeable to the general course of history: thus at Cologne the fifteen oldest houses ranked always above the rest. The name of the *decem primi*, which occurs in the Latin senate even before their great war with the Romans,* and in all the colonies and municipal towns, denotes, according to the simplest explanation, the ten who were the first in their respective decuries. There were ten such chiefs in the Roman senate likewise[30];

728 Gentes patriciæ. See p. 276. n. 766.

29 Cicero de Re p. II. 20. Hence Dionysius, II. 62, from confounding the Tities with them, says, that the senators of Alban extraction created by Romulus, the Ramnes, laid claim γνώμης ἄρχειν.

* Livy VIII. 3.

30 Valerius Maximus I. 1, 1. ut decem principum filii singulis Etruriæ populis traderentur. The same were also sent by the Romans on embassies; even to the plebeians during the secession: οἱ ἡγούμενοι τοῦ συνεδρίου καὶ

the same undoubtedly who formed the decemvirate of the interrexes, one from each decury. Mention is also made of the penal judicature in capital causes having once been confined to the purest tribe[731]: and whatever may be the exact state of the case as to this obscure point—for that the Tities, even supposing them to have had no share in the capital jurisdiction over the minor houses, must have exercised one over their own members, is indisputable; besides, as I have already noticed, there were two judges for capital causes—at all events the account implies a tradition of the precedency of the high Ramnes[32].

πρῶτοι τὰς γνώμας ἀποφαινόμενοι τῶν ἄλλων ἡμεῖς ἐσμέν: the ten embassadors: Dionysius VI. 84.

[731] τὰ νόμιμα δικαστήρια περὶ θανάτου καὶ φυγῆς μεταφέροντες ἐκ τῆς καθαρωτάτης φυλῆς ἐπὶ τὸν ῥυπαρώτατον ὄχλον. Dionysius IX. 44.

[32] Celsi Ramnes. *Welcome, proud cousins*, (stolze Vettern) was the address with which in Ditmarsh the members of a house greeted each other; and in the Danish ballads the same epithet is applied to a damsel as a title of honour.

THE PATRICIAN HOUSES AND THE CURIES.

THE tribes in the states of antiquity were constituted in two ways; either according to the houses which composed them, or to the ground which they occupied: it may seem as if these two kinds coincided, when at the settlement of a city a whole tract of land was assigned to a tribe consisting of certain houses; this however did not form the bond of union. Dionysius, a diligent investigator of antiquities, expressly makes this distinction between the earlier Roman tribes, which he calls genealogical, and those of Servius which he calls local[735]; wherein he assuredly followed older authors. Aristotle, it is true, takes no notice of the constitution by hereditary tribes, any more than Polybius; for although in their times the ancient forms were still in existence here and there, no one any longer thought of arranging a state according to combinations of families.

The genealogical tribes are more ancient than the local, to which they almost everywhere give way. Their extreme of rigour is in the form of castes; where one is separated from another, without the right of intermarriage, and with an entire difference of rank; each having an exclusive unalterable calling; from which, where need requires it, an individual may be allowed to descend; but to rise is

[735] φυλαὶ γενικαὶ and τοπικαί: Dionysius IV. 14.

impossible[734]. In time the severity of these forms relaxes, except where a divine law is given out to be their origin, until there is a complete equality among the tribes: when, like the Venetian nobility, they form a democracy among themselves, although they may rule over subjects many times their own number. It is of the essence of this constitution, that the houses are conceived to have existed before the state; to be the elements out of which the state is composed: and no one can belong to the state, unless he is a member of a house; which, by the principle of castes, can only be through legitimate descent. The mildest form of such a government permits the adoption of freemen connected by a community of national law: and this is done either by the resolution of a house[35], or of the majority in their public assembly, or by means of definite powers vested in a particular member of a house: in solitary instances even the incorporating a whole house is conceivable, in the room of an extinct one. For the total number is fixed, and can in no way be augmented.

The local tribes correspond in their origin with the division of a country into districts and hamlets; so that every one who, when such a division was made, for instance in the time of Clisthenes in Attica, was settled in a village as its demote, was enrolled in the phyle to the region of which the village belonged. Now ordinarily his descendants continued members of the same phyle and the same deme, without regard to the place of their residence; whence this division likewise acquired a semblance of being regulated by descent: and if the great council had been closed against aliens, and no citizen had been able to remove from the tribe of his ancestors, the local tribes would have become

734 Still this does not prevent any one who has arms in his hands from seizing the sovranty; as Amasis did: thus the Mahrattas and their princes belonged to a lower caste.

35 Thus the houses in Ditmarsh adopted the alien, who produced uninterrupted evidence of his honorable birth, lineage, life, and conversation, as a cousin, and held him in no less estimation than a native member of the sept. See the chronicle of Neocorus.

genealogical ones. This will be made distinctly evident further on, by the account of a change of this kind in modern times*: in antiquity there is no similar instance, in which the object of keeping the state from being stifled by the bonds of hereditary privileges, was thus forgotten. The connexion of the citizen with his local tribe was not indissoluble: a family might obtain a removal into another deme, though inducements to apply for it may have been very rare: the number of the demes was variable: new phyles might be added to the existing ones, or these might be remodelled; and every one who received a franchise by a decree of the people or by the law, was enrolled in a deme.

Whoever makes the presumptuous attempt to frame a distinct conception of the way in which states arose out of a foregoing order of things where no civil society existed, is forced to mount up in thought to an age when such families as spring from one stock live in a patriarchal manner, united into a little community: such a community he considers as a house; and the coalition of these families, as the social compact, the formation of a state. Aristotle himself in an unguarded moment gave way to this illusion[736]; and Dicæarchus explicitly deduced the houses from the ramifications of a common pedigree, and the phratries from combinations of the houses by marriage[37].

Now Aristotle, who perceived more clearly than any one has ever done since, that union in a political society is essential to human nature, and that every man, above a mere animal, can only be conceived as born and living in a state; he, than whom none also could be less inclined to search after imaginary beginnings of things, assuredly was not thinking of a primitive state of humanity, but of one where the social union had been dissolved, where its

* See the latter part of the section on the six equestrian centuries.

736 When he calls the family descended from a common ancestor ὁμογάλακτας (Politic. I. 1), which is synonymous with γεννῆτας (Pollux VIII. 111.)

37 See Stephanus Byz. v. Πάτρα.

germ however was still living. The philosophers of the Lyceum may have heard accounts of settlements that had arisen within the memory of man in perfect freedom among the hills of Epirus or Ætolia; and their mistake was only, that they confounded systematical institutions enacted by legislators, with the formations of nature, the prototypes which suggested such institutions. For without the example of houses that had grown out of families, none would have been formed as the elements of states: just as the changes of the moon have led to the division of the solar year into months, which nevertheless are without any reference to the moon.

In those happier times when the Turkish empire was verging unhindered to dissolution and ruin through its own barbarism and wickedness; when the Christians under its yoke were taking advantage of the growing sluggishness, rapacity, and shortsightedness of their tyrants, to lay the foundations of freedom for their posterity, the attainment of which nothing but the malice of fiends could have frustrated, so as to exchange the noblest hopes for the agonies of despair; in those happier times when much that was great and excellent remained here and there in that unfortunate country unobserved, and thus escaped being crushed and destroyed; bands of free-spirited men migrated from various parts of Epirus to the mountains of Suli. Here was formed that people, which in its heroism and its misfortunes has left the Messenians far behind it, whose extermination, brought about by Franks, will draw down on our age the curses of posterity, long after God shall have judged all the guilty. The Suliots consisted of one and thirty houses or *pharas*[738]; these, so far as we can collect, were actually families descended each from a common stock; varying from one another in numbers, but each under its captain, who was its judge and

[738] φαρᾶις: it must be mere accident that the Lombards likewise called an aggregate of families Fara.

leader; the captains collectively made up a senate. What completes the image of antiquity, is, that this people was the sovran over a considerable number of villages [739]. No less simply may the constitution of many a little people in ancient Greece and Italy have also been formed. Now if in ancient times a people of this kind migrated with its subject peasantry and with other companions, settled in a conquered country, and grew into a nation; it was natural for it to strengthen itself by associating its auxiliaries with the original houses, following the example set by earlier states. For when one of these sent out a colony, the leader used to model the new people after the institutions of the mother country; dividing it into the same number of phyles, and these into as many phratries and genea, as the parent city, whether it was Dorian or Ionian. He separated, probably in every case, his settlers and the strangers whom he admitted, according to their descent, assigning each class to its own phyle: in the phyle he collected the individual families into a determinate number of houses, however different their pedigrees, without any regard to consanguinity: and the union thus formed was continued by sacrifices offered up in common down to their remotest posterity: of the rights enjoyed by these associations no recollection will have been preserved in later times, except, as at Athens, among a few eupatrids.

It is uniformly laid down by all the grammarians who explain what the Attic gennetes were, and among them by Julius Pollux, who drew his invaluable accounts of the Athenian constitution, and the alterations it underwent, from the treatise upon it in Aristotle's *Polities;* that, when the tribes were four in number, each was divided into

[739] Its περίοικοι. This account, applicable beyond a doubt to all other Albanian and Romaic tribes, which were free until Ali Pacha obtained possession of the Venetian towns on the coast of Epirus, is contained in the very beautiful ἱστορία τοῦ Σοῦλι by Major Perrevos; which in the hopeful times of Greece was generally read there, and has assuredly warmed thousands of hearts: it is extracted from him by Fauriel, in the appendix to the first volume of his Greek songs.

three phratries, and that each phratry comprised thirty houses. The members of a house, or genos, who were called gennetes or ὁμογάλακτες, were not at all related to one another, but bore this name only from their union [740]. This was cemented by common religious rites, inherited from their ancestors, who were originally distributed into these houses [41].

Now everything here is remarkable and pregnant with consequences: the determinate and invariable number; its peculiar character; the express contradiction to the notion of a common descent [42]; and the original distribution of the ancient Athenians into the houses.

For no one, however great his influence or his wealth, who had not inherited from his ancestors the ennobling quality of this original citizenship, could be admitted into a phratry, or consequently into a genos [43]. Neither the phratries nor the houses have the slightest relation to the tribes of Clisthenes: these were divided into demes; and the gennetes of the same house might belong to very different demes [44]: foreigners too, who obtained the freedom

[740] οἱ μετέχοντες τοῦ γένους (ἐκαλοῦντο) γενῆται (thus) καὶ ὁμογάλακτες, γένει μὲν οὐ προσήκοντες, ἐκ δὲ τῆς συνόδου οὕτω προσαγορευόμενοι. Pollux VIII. 9. 111.

[41] οἱ ἐξ ἀρχῆς εἰς τὰ καλούμενα γένη κατανεμηθέντες. Harpocration v. γεννῆται. The passages in point are referred to abundantly in Alberti's note on Hesychius v. γεννῆται: there has since been added a scholium on the Philebus, p. 80. d. and a passage in the Rhetorical Lexicon published in Bekker's Anecd. I. p. 227. 9, which Eustathius had before him. From the words ἱερῶν συγγενικῶν γεννῆται in the latter passage, and those of Demosthenes against Eubulides, p. 1319. 26: Ἀπόλλωνος πατρῴου καὶ Διὸς Ἑρκείου γεννηταὶ (the accent seems very uncertain) I would correct the corrupt passage ἢ ἱερῶν ὀργίων ἢ ναῦται in the law of Solon l. 4. D. de collegiis (XLVII. 22.) by reading ἢ ἱερῶν ὀργίων γεννῆται: at least this alteration is easier than what in other respects would be equally well founded, ἢ ἱερῶν ὀργεῶνες, ἢ γεννῆται.

[42] Stated the most positively in the Rhetorical Lexicon mentioned in the last note.

[43] The notion is the same as that of an old Christian was formerly in Spain.

[44] See the instance of the Brytids in the speech against Neæra, amongst those of Demosthenes p. 1365.

of the city, were registered in a phyle and a deme, but not in a phratry or a genos [745]: hence Aristophanes in several places tauntingly designates new citizens as having no phrators, or only barbarous ones [46].

The number of twelve phratries and three hundred and sixty houses reminded the grammarians, and with very good reason, of the months and days in the solar year: the five odd days could not have been applied without producing an inadmissible inequality.

Each house bore a peculiar name, resembling a patronymic in form; as the Codrids, the Eumolpids, the Butads: which produces an appearance, but a fallacious one, of a family affinity. These names may have been transferred from the most distinguished among the associated families to the rest: it is more probable that they were adopted from the name of a hero, who was their *eponymus*. Such a house was that of the Homerids in Chios; whose descent from the poet was only an inference drawn from their name, whereas others pronounced that they were no way related to him [47]. In Greek history what appears to be a family, may probably often have been a house of this kind; and this system of subdivision is not to be confined to the Ionian tribes alone.

Now as many Greeks, both in their own and in other cases, believed in the descent from a heroic founder; so at Rome the Julii deduced their origin from Iulus, the son of Æneas; the Fabii theirs from a son of Hercules; the Æmilii theirs from a son of Pythagoras. These particular

745 See the decree conferring the franchise on the Platæans, in the same speech p. 1380.

46 Frogs 419: Birds 765. I formerly censured it as Barthelemy's own mistake, that, with the most express testimonies before his eyes, he still assumes each of the ten phyles to have contained ninety houses (Anacharsis c. 26); but he was misled by Salmasius, whose dissertation on this subject (in his Observatt. ad jus Attic. et Roman. c. 4) is a complete failure.

47 Harpocration v. Ὁμηρίδαι. It may be warrantably assumed that a hero named Homer was revered by the Ionians at the time when Chios received its laws. See the Rhenish Museum I. 257.

pedigrees will now find few champions: such as are still unwilling to abandon the opinion, that a house was an aggregate of families which had sprung from the same root, but which for the most part were no longer able to shew their mutual connexion, are more likely to take shelter under the authority of Varro, who, in comparing the affinities of families and of words, assumes an Æmilius as the ancestor of all the Æmilii[748]. However since he is here speaking merely for the sake of illustration, he would surely himself have deprecated our construing such an allusion literally, as if it were a historical assertion. In like manner the Greek mode of expression grew lax, and confounded the political with the natural union[49]: the notion of a house had already become obsolete: but who can lay any stress on this, after the testimonies adduced, which are derived from Aristotle, and which so studiously oppose a misunderstanding of this kind?

We have certainly no similar express testimony positively denying the existence of a family affinity among the members of a Roman gens. But if a term which would have been sufficient by itself, is wanting in a definition, and above all in one that aims at being a model of absolute completeness[50], the term is thereby excluded. Had Cicero believed in the common descent of the Roman gentiles[51], his definition would have been made without trouble: as

748 Ut ab Æmilio homines orti Æmilii ac gentiles: de l. l. VII. 2. p. 104. My attention was drawn to this passage by Salmasius Obs. ad Jus Attic. et Rom. p. 122.

49 Γεννῆται with συγγενεῖς: the latter word is used for the former as early as by Isæus: by Dionysius, correctly as he writes, it is so always. In the same way it is forgotten that the German *Vettern* at one time did not mean kinsmen.

50 Cicero Topic. 6(29). This description is framed according to the circumstances of the age; and its object is to determine who was entitled to such inheritances as fell to the members of a gens: some generations earlier it would have run differently, more simply and more distinctly. But it was not Cicero's design to deduce the notion from its origin.

51 It is only in jest that he calls Servius Tullius his *gentilis*, Tusc. Disp. I. 16: but he would not have used this playful expression, if he had believed that gentility implied affinity of blood.

it is however, he says not a syllable of this; but determines the notion of them by a succession of attributes, each giving it greater and greater precision; adding to their bearing a common name, their descent from freemen; without any stain of slavery among their ancestors; without their having ever incurred any legal disability whether public or private. Hereby even the freed clients, though they bore the gentile name of their patrons, are expressly excluded: while the freeborn foreigners, who acquired that name together with the Roman franchise, are recognized by the very exclusion of the clients. The Cornelii as a gens had common religious rites: but we cannot on that account assume that an original kindred existed between the Scipios and the Syllas. The Scauri, though a genuine patrician family, had no nobility before the seventh century. The plebeian families, the Licinii for instance, did not branch out more widely than some in modern history: but the three hundred Fabii would be a spreading of a family, such as no pedigree can shew. The Ælii, being plebeians, can only be cited here as a house belonging to a municipal town: they too consisted of many families [752]; and even the fabulous genealogy of the Lamii, who deduced their origin from Lamus of Formiæ, proves that a particular family might believe its own descent to be different from that of the other members of the house.

Now any one who should still contend that no conclusion can be drawn from the Athenian gennetes to the Roman gentiles, would be bound to shew, how an institution, which runs through all antiquity, came to have a completely different character in Italy and in Greece. *Genus* and *gens* are the same word; the one form is used for the other; *genus* for *gens*, and conversely [53].

752 Fest. Epit. v. gens Ælia.

53 *Genus* Fabium et Cilnium, for *gens*, Livy II. 46. x. 3. 5: *genus* Polyplusium, Plautus Captiv. II. 2. 27: *genus* armis ferox, Sallust. Fragm. Hist. I. p. 936: Deum *gens*, Ænea! for *genus*, Æn. x. 228. That a gens and

That the members of a Roman gens had common sacred rites, is well known: these were sacrifices, which were to be offered at stated days and places[754]: the Nautii were bound to offer such to Minerva[55]; the Fabii perhaps to Hercules or Sancus[56]; the Horatii in expiation of the fratricide committed by Horatius[57]. Such sacrifices became more burthensome, as the number of persons in the gens who were liable to them, decreased; and the decrease was inevitable: hence every attempt was made to get rid of the burthen, by expedients which the old jurisprudence in vain laboured to obviate. The problem was, to shake it off without giving up the gentile relation, so far as the same yielded advantage; and since the altered spirit of Cicero's age permitted this, he could leave out among the terms of his definition what in Aristotle's time would have been sufficient at Rome as well as at Athens.

And unquestionably the belonging to a Roman gens, if it had its burthens, likewise conferred advantages. The right of succeeding to the property of members who died without kin and intestate, was that which lasted the longest; so long as to engage the attention of the jurists, even in the time of Gaius, the manuscript of whose work is unfortunately illegible in this part. That no right of this kind appears in the Athenian orators, can only arise from the changes in all social relations at Athens having hurried on long before those at Rome; because in the former the tide set in toward democracy much earlier and stronger.

For the same reason we can still less expect to find

nation were regarded as equivalent, according to the general notion, is further shewn by Livy saying *nomen* Fabium (II. 45) like *nomen* Latinum; and by Dion Cassius calling the Cornelian gens τὸ τῶν Κορνηλίων φῦλον, XXXIX. 17.

754 Like the sacrifice of the Fabii on the Quirinal: Livy v. 46.

55 Dionysius VI. 69. Servius on Æn. II. 166. v. 704.

56 Because they traced their origin to Hercules: that they were Sabines, seems to follow from their having their chapel on the Quirinal; consequently they will have revered Semo Sancus; and Fabius may be the name disguised by the corrupt reading *Fabidius* in Dionysius II. 48.

57 Livy I. 26. Sacrificia piacularia gentis Horatiæ.

in those orators any mention of the obligation which lay on the gennetes, to assist their indigent fellows in bearing extraordinary burthens; an obligation which at Rome bound the members of the house, as well as the clients[758]: this is a bond which did not outlive old times and old manners. Even in Roman history not more than a single instance of it is mentioned; when the clients and gentiles of Camillus pay the fine for him to which he had been sentenced[59]. Subsequently the custom will have grown obsolete: the gentiles were certainly not called upon, except when the means of the clients were inadequate; and when the relations of clientship had extended over the whole of Italy and still further, there was so seldom occasion to do so, that the legal principle itself was forgotten. This obligation is an essential characteristic of a gens: and thus the amended form of the patents of incorporation into the houses in Ditmarsh—for after the reformation the practice of forced compurgation was abolished as unconscientious — still contains the engagement to come forward and aid the members of the house to the utmost in raising dikes or dwellings and under disasters of every kind. The reciprocal exercise of this noble relation could not but excite in the first instance a feeling that led them to regard each other like kindred, and by degrees a belief that they were so. This is assuredly not a solitary local custom, but one common to the whole German nation: only where the German tribes dwelt as conquerors it became extinct many centuries earlier; and was retained nowhere but in my remote native province of Ditmarsh, where no lord ruled and no slave served:

758 Dionysius II. 10. (ἔδει τοὺς πελάτας) τῶν ἀναλωμάτων ὡς τοὺς γένει προσήκοντας μετέχειν.

59 Exc. Dionysii Mai. XIII. 5. That συγγενεῖς in this passage means the gentiles, is certain from the way in which Dionysius uses the terms, συγγένικα ἵερα and ὀνόματα, and συγγενικαὶ ἱερωσύναι. See Sylburg's Greek index. These gentiles Livy had found mentioned in a chronicle as *tribules* of Camillus; and he understood by this members of the same plebeian tribe, instead of the same patrician. v. 32.

and if the chronicle which has preserved the patent, had been lost, no trace of it would have remained.

A striking coincidence between the characters of the corporate houses among the Greeks and in modern times, is presented by the compurgators who at Cuma appeared in aid of members of their house. Aristotle only mentions their coming forward on the side of the prosecutor[760]; probably because this appeared to him a still more barbarous custom, than the same kind of justification on the part of the defendant.

The analogous example of the Athenian houses leads us to conceive, that at Rome likewise the number of houses contained in the tribes was absolutely fixed. Dionysius says, Romulus divided the curies into decads[61]: what other subdivision can be meant here than that into houses? such a one, that ten houses were assigned to each cury, and the three tribes contained three hundred. Hence the patrician tribes might also be called centuries, as they are in Livy; they contained each a hundred houses. Here we see the numerical basis of the Roman divisions, three multiplied into ten; and three hundred stands in the same relation to the days of the cyclical year[62], as the number of the Athenian houses to those of the solar year. Moreover it corresponds with the three hundred fathers in the senate: and if the captain and burgess of each house was called a decurion, there is no longer anything strange in the senators of the colonies and provincial towns bearing that name. Before Clisthenes assigned fifty counsellors to each tribe, every Athenian genos in the same way will doubtless have had its representative.

Such numerical proportions are an irrefragable proof that the Roman houses were not more ancient than the

760 Politic. II. 8. p. 44. b. Sylburg.

61 II. 7. διῄρηντο δὲ καὶ εἰς δεκάδας αἱ φράτραι ὑπ' αὐτοῦ, καὶ ἡγέμων ἑκάστην ἐκόσμει δεκάδα, δεκουρίων προσαγορευόμενος.

62 300 instead of 304, as 360 instead of 365. See above p. 237.

constitution; but corporations formed by a legislator to harmonize with its plan. A similar conclusion must be drawn as to the German houses, which in the free cities and rural cantons likewise appear in regular numerical proportion. In Ditmarsh beyond doubt there were formerly thirty houses[763]: at Cologne there were three classes, each containing fifteen; the first, which was originally in exclusive possession of the government, continued to be superior in rank: at Florence there were seventy-two; and none will doubt that these were distributed in equal numbers among the three classes of lords, knights, and freemen, which in the Italian cities formed the tribes of the sovran people: the classes at Cologne must have been of a similar nature. I have no hesitation in believing the Italian traditions, that the freedom of their cities was founded by the emperor Otho: and I conceive that he did it by collecting Lombards, Franks, other Germans, and Italians also, into houses, and by making their collective body a free corporation. Even the word *schiatta*, the appropriate term for this relation, marks the low-German emperor: it is the same with *schlacht*, the low-German form of the high-German *geschlecht*; instead of which the Lombards used *Fara*. A more effectual method could not have been devised for quelling the power of the seditious Lombard grandees; and as it appears to have been quelled, an adequate cause must have contended against it. Doria's wise legislation rescued Genoa from the feuds between the Fregosi and the Adorni, by breaking up the existing houses, and blending their families together in the eight and twenty newly formed Alberghi, which retained the substance and name of the old houses: if this plan was projected without any model in the earlier annals of the city, there is no instance of a more brilliant invention applied to the practical regulation

763 This was ingeniously proved by Heinzelmann in a treatise which appeared in 1792 on the Ditmarsh *Nemede*, the first and hitherto the last inquiry into the ancient constitution and laws of my native province.

of a free state. The establishment of houses in round numbers in the German free communities can scarcely but have coincided with the settling the subdivisions of the cantons, and with the foundation of the cities. At the same time I am far from referring the first origin of these associations to that period. All that was then done, was to apply the spirit of an ancient and wholly immemorial institution, which must have been common to all the German tribes, and which before the adoption of Christianity will have had a further essential feature of resemblance to the form of society among the Greeks and Romans; to apply this to the circumstances then actually existing, with which the old worn-out order of things was no longer in tune.

No institution in the ancient world was more general than this of the houses: every body of citizens was so divided; the Gephyræans and Salaminians as well as the Athenians, the Tusculans no less than the Romans; and in each case, when the former were incorporated into the commonalty of the ruling cities, still the houses which had subsisted among them, did not on that account come to an end. In the constitutions of the municipal towns, which in earlier times were not altered on their receiving the Roman franchise, the houses, so long as they were of any importance in themselves, will also have retained their political character: and when time and circumstances had done away with this, they undoubtedly continued in the undiminished possession of their civil and religious privileges. But they were not acknowledged by the Roman state, their greater country, in any political relation to itself: none but the houses which composed the three ancient tribes, were fundamental parts of the state: and thus the patricians were able to boast that they alone had a house[764]; while nevertheless there were members of plebeian houses by thousands at Rome, who in the municipal towns possessed gentile privileges. It was on this superiority that

764 Vos solos gentem habere. Livy x. 8.

the patrician Claudii grounded their claim to exercise exclusively the gentile privilege of inheritance[765]: no matter that the claim seems to have been unreasonable in this instance, where the Marcelli were asserting a right which had nothing to do with the political privileges of the ancient houses.

The division into houses was so essential to the patrician order, that the appropriate ancient term to designate that order was a circumlocution, the patrician *gentes*[66]; but the instance just mentioned also shews beyond the possibility of a doubt, that such a gens did not consist of patricians alone. The Claudian contained the Marcelli; plebeians, equal to the Appii in the splendour of the honours they attained to, and beyond comparison more beneficial to the commonwealth: such plebeian families evidently arose from marriages of disparagement, contracted before the right of intermarriage existed between the orders[67]. But the Claudian house had also a very large number of low-born persons who bore its name; such as the M. Claudius, who disputed the freedom of Virginia: nay, according to an opinion of earlier times, as the case in Cicero proves, it contained the freedmen and their descendants. Thus among the Gaels the nobles and their vassals formed the clan of the Campbells: if we apply the Roman phrase to them, the former had it, the latter only belonged to it.

The proposition that the original Roman people was entirely composed of patrons and clients, is one of those the validity of which can be questioned only when it is

765 Cicero de Orat. I. 39. The claim of the patrician Claudii is at variance with the definition in the Topics (c. 6), which excludes the posterity of freedmen from the character of gentiles: probably the decision was against the Claudii, and might be the ground on which Cicero denied to the descendants of freedmen the title of gentiles.

66 Plebes dicitur (according to Capito) in quâ gentes civium patriciæ non insunt. Gellius X. 20. Instead of a patrician, Livy says, vir patriciæ gentis: of L. Tarquitius III. 27: of P. Sestius III. 33: of M. Manlius VI. 11.

67 I here repeat the acknowledgement, a cherished memento of delightful bygone days, that I am indebted for this observation to Savigny.

carried too far: false as it is, and destructive to historical truth, if the freedom of the plebeians is disregarded, and if the commonalty is overlooked; no less true is it, if applied to the period before the formation of the commonalty, when all the Romans were contained in the original tribes by means of the houses they belonged to. The *Patronus* and *Matrona* are the father and mother of the family, in relation to their children and domestics, and to their dependents, the clients[768].

How the clientship arose, admits as little of an historical exposition as the origin of Rome. Dionysius compares it with the Penesty, the bondage which existed among the Thessalians; not as though he had himself looked for the occasion of both alike in conquest: he no doubt conceived that Romulus separated the noble and rich out of the thousands of his new citizens, created them patricians, and consigned the common people to their protection. According to his conception of the origin of Rome, he could not retain his hold of that comparison, which in substance is certainly founded in truth: the same relation which in Thessaly was rude and revolting, might at Rome be refined by different manners and a better spirit; the condition and advantages of the ward who had voluntarily placed himself under the protection of a patron, being transferred to the serf. A wardship of this kind existed among the Greeks in the case of the sojourner, who was bound to choose a citizen for his guardian[69], in order not to be an outlaw with regard to the commonest civil rights: but the condition of the Helots and Penests never changed its hateful character. The Romans and the citizens of such towns as stood in a federal relation to Rome, were mutually entitled to exchange their home for the other city, perhaps under the obligation, at all events with the right,

[768] The German word *Hœriger* from *hœren*, to hear, is a literal translation of *cliens*, which comes from *cluere*.

[69] His προστάτης. It answers to the German *Mundherr*, the *Mundiburdus*, as he was called in the Latin of the middle ages.

of attaching themselves to a patron: this is the meaning of that *jus applicationis*, which we find connected with the *jus exulandi* *. Many who availed themselves of this right, as appears from the instance of accused Romans, were criminals, but such as could not be taken into custody; and this, viewed with an evil eye by the plebeians, in their contempt for the clients, and their hatred of those whose power the clients upheld, lies at the bottom of the tradition about the asylum.

In Greece this connexion rested only on reciprocal interest; and might be given up and altered at will: it ceased as soon as the alien obtained the franchise of the city, or even the privileges of isotely: at Rome it continued in the case of the ærarian; nay, it was hereditary beyond doubt, like vassalage. That it commonly descended from one generation to another, Dionysius is aware; only he looks on this as a voluntary prolongation. Most probably he is wrong; for with regard to towns and communities the hereditary continuance of the clientship is certain; and whatever may have been the doctrine in Cicero's days as to the relation in which the descendants of freedmen stood to the house of their original patron, still the claim of the patrician Claudii in the abovementioned case is enough to prove, as I have already hinted, that in earlier times at least there also prevailed an opinion which ascribed to them the character of gentiles. Now if this be so, the unlimited duration of their connexion enables us to infer the same as to the clientship in general. And in truth how should they, like such as were received into a house without being natives of Italy, have obtained the name of the gens, unless they had been accounted members of it? And why should they have been held beneath the honour, when the slave, who was mostly an Italian prisoner of war, stood on such familiar terms with his master as appears by the Saturnalia, and ate at his table?

* Compare Cicero de Orat. I. 39. (177.) with pro Cæcina, 33. (98.) 34. (100.)

The clients who neither gained their livelihood by trade nor had already acquired property, received grants from their patrons of building-ground on their estates together with two acres of arable land: not as property, but as a precarious tenement, which the owner could resume if he felt himself injured. But all, however different in rank and consequence, were entitled to paternal protection from the patron: he was bound to relieve their distress, to appear for them in court, to expound the law to them, civil and pontifical. On the other hand the clients were obliged to be heartily dutiful and obedient to their patron, to promote his honour, to pay his mulcts and fines, to aid him jointly with the members of his house in bearing burthens for the commonwealth and defraying the charges of public offices, to contribute to the portioning of his daughters, and to ransom him or whoever of his family might fall into an enemy's hands.

The great Blackstone, who recognized the customs and laws of ancient times even in the games of children, recollected these burthens of the Roman clientship, when describing the feudal duties of the middle ages[770].

If the client died without heirs, the patron succeeded to his property[71]: and this law continued in the case of the freedmen; the power of the patron over whom must surely have been founded originally on the general patronal rights. Now if P. Mænius could put to death his freedman for forgetting the respect due to his house[72], and this passed for justifiable as well as wholesome severity; we may infer that the patron could not only sentence his client to lighter penalties when he himself was aggrieved, but could also sit in judgement upon him when accused by a neighbour.

770 Commentaries II. 5. p. 64. The feudal aids admitted of no exemption in three cases: for ransoming the lord out of captivity; for knighting his eldest son; and for portioning his eldest daughter.

71 On this right, which was first perceived by Connanus, see Reiz in his Preface to Nieupoort's Ritus Roman. p. xii.

72 Valerius Maximus VI. 1. 4.

Both patron and client were reciprocally bound not to bring an accusation or bear witness one against the other, nor to give sentence in court against him, or in favour of his enemies: this may have been a mitigated form of the old law of compurgation: the duties of the patron toward the client were more sacred than those toward his own kin[773]. Whoever sinned against his clients, was guilty of treason, and devoted to the infernal gods; that is to say, outlawed, so that any might slay him with impunity. It is probable that the pontiff, as the vicegerent of heaven, to which the plaintive cry of the injured party was raised, devoted the guilty head. To bring a charge before a civil tribunal was impossible: such interference would have perverted and destroyed the whole relation; it could not exist at all, or it must admit of being abused. Still this abuse must have been threatened with fearful punishment: for to imagine that the patricians, who in their dealings with the plebeians neither respected equity nor compacts ratified by oaths, should have let obligations which were merely conscientious keep them kinder fathers toward their clients than many are to the children of their body, would be a silly dream of a golden age, such as never existed. They were no better than those knights of the middle ages, whose virtues are extolled by ignorance and falsehood; they who are charged by a respectable contemporary with robbing the soccager of his substance, as though he were a bondman, because they could do it with impunity, since God alone was judge between them and the poor man. As if they ought not also to have been the benefactors of the bondmen?

Among the privileges which the Ramnes are said to have claimed to the exclusion of the other patricians, according to a narrative which assuredly represents their relation to the Luceres, one is that of receiving strangers as clients[74]. Still more then would they claim this against

[773] Gellius v. 13. xx. 1. The classical passage on the patronship is the well-known one in Dionysius II. 9, 10.

[74] Dionysius II. 62: θεραπεύεσθαι πρὸς τῶν ἐπηλύδων.

the plebeians: yet when distinguished men rose up in the latter order, who could afford protection and redress, and grant plots of ground to be held at will, clients attached themselves to them as well as to the patricians. Until the plebeians obtained a share in the consulship and the usufruct of the domains, free foreigners, with few exceptions, can have applied only to the first order; in which indeed there may have been several members with scarcely a client: and so long patron and patrician were co-extensive terms.

Perhaps they were synonymous: for the deriving the word *patres* from their paternal care in assigning plots of arable land to the poor folk, as it were to their own children[775], has quite the air of antiquity; although perhaps it is still too artificial. For this may have been only the simplest title of honour in addressing the senators and the assembly of the curies. The name is by no means confined to the former; on the contrary whenever the younger *patres* are mentioned[76], they must be considered

775 Patres senatores ideo appellati sunt, quia agrorum partes attribuebant tenuioribus, perinde ac liberis propriis. Fest. Epit. completed by the help of the fragment.

76 The contrast between the senior and junior *patres* often occurs in Livy, from the beginning of the plebeian disturbances until after the decemviral government; the former being represented as inclined to reconciliation, the latter as more obstinate and violent. Several times, as well during the first disturbances as in the affair of Cæso Quinctius, we also find a like statement on the same occasions in Dionysius; whence it is clear that both met with it in the Annals. Both of them looked on these *patres* as senators, differing in temper according to their ages: but they were certainly mistaken. The dry old Annals can never have indulged in such descriptions of character: but they may have related from traditions, that the general assembly of the curies had often shewn itself more headstrong than the senate, which had the charge of the daily government, and could not, like the former, reject a measure without any responsibility. In the senate there were only the seniors, men who had passed the age of military service: all the juniors had places in the curies: so indeed had those seniors who had no seats in the senate; but their number was small, and the name of the assembly was not determined by them. The following instance is the most decisive: L. Furius and C. Manlius, when accused, circumeunt sordidati non plebem magis quam juniores patrum: II. 54. how can this mean only a part of the senate? who can conceive that the accused neglected those very senators

as opposed to the senate. It is to be understood no less of the whole body of patricians individually, or of the general assembly of the curies. By later usage indeed the word is restricted more and more to the senators; and even the writers who do not entirely exclude its wider application, and fluctuate in their use of it, were still always inclined to interpret their authorities in the narrower sense.

Julius Cæsar and Augustus raised particular families to the patriciate; because so many of the houses had become extinct, or had been merged among the lower orders from their poverty, or had voluntarily passed over to the commons, that the priestly offices could no longer be filled according to ancient usage. Now the fifty families which still remained then[777], were certainly in every respect an old nobility; and since those rulers added to them the most illustrious families among the plebeian nobless, both Dionysius and Livy were prepared to consider the patriciate as a nobility from the first. Two centuries earlier Cincius, whose importance as an authority I have already noticed, had come to a totally different conclusion; that anciently all freeborn citizens were called patricians[78]. This is to be understood of the time anterior to the rise of the plebs: even then however the number of freeborn men among the clients cannot have been small. What is strictly accurate in the comparison, is assuredly—and perhaps it was so expressed by Cincius, whose meaning we can only collect from the abridgement of an abridgement—that the patricians formerly stood in the same relation to the rest of the Romans, their clients, as in his days the tribes of the freemen did to those of the freedmen. They were the true citizens: just as in Germany, even during

whose years would give them the greatest influence? Compare also II. 28. III. 14. 15. 65.

777 Dionysius I. 85.

78 Fest. Epit. v. Patricios. It does not follow from this passage that Cincius mistook the nature of the termination, and fancied he saw *ciere* in it.

the thirteenth century, a member of a house and a burgher were equivalent terms: and so it need not raise a scruple in us not to see any order intervene between them and their dependents. Neither are we to be startled at the number of three hundred houses, which might be incredible for the nobility of a small state: nor will it be an objection to that number, that we only find much fewer patrician gentile names; that is to say, in the Fasti. For even supposing, what will have been far from the truth, that, when the Tarquins were banished, the houses had their full complement, the consulate was unquestionably open but to a small portion of them, although every one was eligible to it. In every aristocracy a few families alone are illustrious and powerful; an incomparably greater number continues needy and obscure: so it was at Venice. The latter die away unobserved, or lose themselves among the common people, like the nobility in Ditmarsh and Norway: at Rome too some families of their own accord renounced their patriciate, and went over to the plebs[779]: in other cases the same effect followed from marriages of disparagement, before the right of intermarriage between the two orders was established by the Canuleian law. Among the patrician houses of this kind, which never occur in the Fasti, are the gens Racilia and Tarquitia[80]: likewise the Vitellii: and since the names of the older plebeian tribes resemble the gentile names in form, and in several instances are common to them with patrician houses, it is also exceedingly probable that there will have been a gens Camilia, Cluentia, Galeria, Lemonia, Pupinia, Voltinia[81].

779 The *transitio ad plebem*: on which it is true that in later times there were also many false fables invented by plebeian vanity: and this must certainly be substituted for *a plebe transitiones* in Cicero Brut. 16. The instance of L. Minucius is given by Livy IV. 16, and Pliny H. N. XVIII. 4.

80 A Racilia was the wife of the great Cincinnatus before the Canuleian law: L. Tarquitius was master of the horse during his dictatorship.

81 The Vestal virgins in ancient times were patricians no less certainly than the priests. But the genuineness of the names ascribed to those who are mentioned, such as Verenia, Canuleia, Opimia, Orbinia, is too slippery ground to build on.

If *patres*, and its derivative *patricii*, were titles of honour for individuals, the name of the whole class, as distinguished from the collective body of Romans, appears to have been Celeres. That this was the name of the knights is attested: as also—what is clear from the very nature of all the constitutions of antiquity—that the tribes of Romulus had tribunes[782]: and since the tribunate of the Celeres is said to have been a magistracy and a priestly office, it is palpably absurd to regard it as the captaincy of a body-guard. If the kings had such a guard, it was formed assuredly out of the numerous clients who must have been settled on their demesnes. The tribunes of all the three tribes were certainly at once leaders in the field and magistrates and priests in the city; just as a curion, in his character of centurion, which was his name too in the army, was captain over a hundred in the Romulian legion[83]: but among the three the tribune of the principal tribe, as the first, will have enjoyed signal distinctions, which is the reason that only one has been named[84].

Cicero mentions it as a symptom of the anarchy and lawlessness prevalent in the Grecian states of his time, that measures were carried by masses; according to the aggregate number of heads, not by the votes of the orders: the subjects however, then open to deliberation, were so trifling, that it was nearly indifferent in what manner they were decided upon. In earlier times it was a principle in every legislation, whether the form of government was aristocratical or democratical, that the weight of any individual's vote and his liabilities, especially to military service, should be regulated by the number not of the whole community, but of the corporation he belonged to: so

782 For the former point see Pliny H. N. XXXIII. 9: for the latter Dionysius II. 7: Pomponius l. 2. § 20. D. I. 2. de orig. jur.

83 Paternus in Lydus de Magistr. I. 9.

84 Dionysius however is an exception to this; who II. 64, mentions the tribuni Celerum, like the other priests, as a college.

that every precaution was taken to prevent the multitude from turning the scale; and the more numerous each man's corporation was in comparison with the rest, the lighter were his burthens and the less important his vote. The same principle prevailed in the constitutions of the middle ages founded on houses and guilds. Now in the earliest times of Rome the question was, whether the tribes or the curies were to be the units, in taking the votes of the whole body. But the tribes, when only two of them had yet obtained the right of voting, would, had they come to a difference, have stood opposed to each other in a manner dangerous to the public peace: and after the third order was added to them, it might have felt itself placed on an unequal footing, if both the higher orders gave their votes against it. When the measure agitated was to do away with antiquated but still burthensome privileges, the third class might be unanimous in its determination, and four tenths in each of the first two tribes might agree with it: but in vain. This was obviated by taking the votes according to curies; especially when these were not called up in any stated order, but in one settled by lot.

Now as there is no doubt that the families derived from marriages of disparagement, and the clients, shared in the sacred rites of the curies[785]; one may be apt to think it probable, that both those classes took part with the patricians in their comitia. The notion that foreigners were admitted to the franchise of the curies, in the same way as they were afterward to that of the centuries, no longer needs to be refuted.

Considering the general principle of subdivision, it is even in itself scarcely conceivable, that the votes of the individuals in the curies should have been taken immediately, and not those of the houses as their component

[785] If among the many extinct patrician houses one was a gens Scribonia, of which only a plebeian family remained, it is not surprising that, when the plebeian nobility had far outreached the patrician, a Scribonius was made Curio Maximus.

units: and that the latter was really the way of voting, seems to be attested by an express statement of an ancient author[786]. If this were so, it may have been nearly indifferent to the patricians as a body, so long as their relation to the other citizens continued the same in substance, whether those who belonged to their houses with inferior rights, voted with them in this way, or not: for the clients were not at liberty to vote against their patrons; and so the only effect would have been, that within every gens the man of influence would have exerted a preponderance proportionate to the number of his clients, over him who could confer no protection. Families springing from marriages of disparagement, rise up only by degrees.

But although it appears that it would not have been irreconcilable with the interests of the order, to admit such votes under such circumstances; still it would have been diametrically opposite to the spirit of an aristocracy; which, as was the case at Venice, requires an equality within its own body between the poorest and the richest noble, an absolute inequality between every noble and every plebeian: to this aristocracy it must have been worse than a stumbling-block, had the vote of L. Tarquitius told for no more than that of a client to one of his rich gentiles. But the above-mentioned supposition becomes altogether inadmissible, when we imagine the state of things changed as it would be in process of time. The example of all ages and places teaches us, that, so long as parity of birth was insisted upon, the houses must have been rapidly stript of their patrician families. If the newly risen plebeian families and the clients had voted in the house, they would have retained possession of

[786] Lælius Felix in Gellius xv. 27. Cum ex *generibus hominum* suffragium feratur, curiata comitia esse. Here too *genus* is equivalent to *gens*: see note 753. It matters not as to the main point that *hominum* must certainly be a wrong word; it is one too for which Gellius can hardly be made answerable: his text is still in want of an able critic.

its vote, even though not a single patrician was any longer to be found in it: and among three hundred it must have come to this with many in the course of a few generations[787]: so that the patricians would have been unable to maintain the preponderance even in their own comitia. Still more unfavorable to them would have been the result of voting in the curies by poll.

Since the houses in their political character were essentially patrician, the definition of Lælius, though still it may not prove that none but patricians appeared in the curies, certainly demonstrates decisively the correctness of the doctrine, that they made up the main part of those assemblies. And the further account of the same Lælius, founded on Labeo, stated, that the comitia of the curies were convoked by a lictor, those of the centuries by a hornblower[88]: Dionysius too says that a messenger summoned the patricians by name, while the people were convened by the blowing of a horn[89]. Thus Labeo and Dionysius unequivocally agree in designating the curies as the assembly of the patricians. The same identity appears in the account of Livy, that Tarquinius Priscus assigned places for seats round the circus to the *patres*

787 That this would be the necessary consequence, is clear to every one acquainted with the history of the provincial nobility, wherever proofs of pedigree are required.

88 In Gellius xv. 27. Curiata comitia per lictorem curiatum calari, id est convocari; centuriata per cornicinem. It is evidently a misunderstanding, either of Lælius or Gellius, when both are said to have been called *calata:* as is also proved by what follows, that the *detestatio sacrorum* and the drawing up of wills used to take place in these comitia: both clearly belonged to the assembly of the curies; for the former ceremony can have been nothing else than a release from the gens.

89 Dionysius II. 8. *τοὺς μὲν πατρικίους ὁπότε δόξειε τοῖς βασιλεῦσι συγκαλεῖν, οἱ κήρυκες ἐξ ὀνόματός τε καὶ πατρόθεν ἀνηγόρευον· τοὺς δὲ δημοτικοὺς ὑπηρέται τινὲς, ἀθρόοι κέρασι βοείοις ἐμβυκανῶντες, ἐπὶ τὰς ἐκκλησίας συνῆγον.* The mention of the kings here only means that the practice belonged to times long passed; and the comitia of the curies became extinct soon after the middle of the fifth century.

and the knights, and that of Dionysius, that he assigned them to the curies[790].

In order however to give a complete and decisive proof of this important proposition, I will here anticipate a subject, the proper place for which still lies somewhat further on, and to which I shall there be obliged to recur.

The most important piece of information on Roman constitutional law contained in the newly discovered fragments of Cicero's books on the Republic, is, that, after the curies had elected the kings, the kings were still under the necessity of applying to the same curies for the *imperium*, the refusal of which would have made their election powerless[91]. This might be known to Cicero from the books of the pontiffs and augurs; and the more startling it sounds, that the same assembly had to decide twice, and could annull its own election by the second decision, the more distinctly does he declare that so it was. Nor was the declaration superfluous even in his time; for Dionysius and Livy both of them assume that the assemblies must have been two different ones, as was the case after the time of Servius Tullius. The electing assembly both look upon to be the people; the confirmative one is termed by the former the patricians, by the latter the *patres*[92]: hereby he may have meant the senate; yet it is probable

790 See below n. 832.

91 De Re p. II. 13. (Numa) quamquam populus curiatis eum comitiis regem esse jusserat, tamen ipse de suo imperio curiatam legem tulit. 17. Tullum Hostilium populus regem comitiis curiatis creavit, isque de imperio suo—populum consuluit curiatim. 18. Rex a populo est Ancus Martius constitutus; idemque de imperio suo legem curiatam tulit. 20. Rex est creatus L. Tarquinius—isque ut de suo imperio legem tulit, &c. Also of Ser. Tullius; 21. populum de se ipso consuluit, legem de imperio suo curiatam tulit.

92 Dionysius II. 60. τῶν πατρικίων ἐπικυρωσάντων τὰ δόξαντα τῷ πλήθει. Livy I. 17. decreverunt, ut, cum populus regem jussisset, id sic ratum esset, si patres auctores fierent. In this form Numa's election is conducted. 22. Tullum—regem populus jussit, patres auctores facti. 32. Ancum Martium regem populus creavit, patres fuerunt auctores. 41. Servius injussu populi, voluntate patrum regnavit.

that in this place also he had the patricians in view, at least indistinctly, as he had elsewhere more frequently than such a sense is assigned to him. At all events every reader sees, without need of many words to prove it, that what Cicero calls the *lex curiata de imperio*, is precisely the same thing as the *auctoritas patrum* in Livy, and the confirmation by the patricians in Dionysius.

And thus then it is now further clear that the *auctoritas patrum*, which, until the Mænian law, was indispensable to the validity of elections, was nothing else than the *lex curiata de imperio*, which even the dictators were under the necessity of obtaining for themselves. But those *patres* were the patricians; they are called so most distinctly[793]: a more conclusive proof cannot be offered in history, than this for the identity between the comitia of the curies and the assembly of the patricians.

[793] Livy VI. 42, when L. Sextius was elected consul: ne is quidem finis certaminum fuit. Quia *patricii* se *auctores* futuros negabant, prope secessionem plebis—res venit, &c. Sallust in the speech of C. Licinius Macer, p. 972. ed. Cort. virilia illa quo—libera ab *auctoribus patriciis* suffragia majores vestri paravere. Here Sallust certainly had before him a real oration of the learned antiquary Macer. Dionysius writes with regard to a transaction substantially the same, in one place, VI. 90, *τοὺς πατρικίους πείσαντες ἐπικυρῶσαι τὴν ἀρχὴν ψῆφον ἐπενέγκαντας*, in another, X. 4, *αἱ φράτραι τὴν ψῆφον ἐπιφέρουσιν*—to which I shall advert again when I come to the institution of the tribunes of the people: see note 1284. Here we catch a glimpse of some Roman writer: I would wager, the same Macer; for Dionysius himself had no clew in this labyrinth. It is of the patricians too in the strictest sense that the Declamation pro Domo 14. (38.) says, should they become extinct, the republic would want Flamens, Salii, and so on, and the *auctores centuriatorum et curiatorum comitiorum*. Here the half-informed rhetorician betrays himself: he may have read in Cicero's books on the Republic the passages quoted above (n. 791.); and he did not reflect that in Cicero's days there were no other curiate comitia than the formal assemblies for confirming elections.

THE SENATE, THE INTERREXES, AND THE KINGS.

THE contemporaries of Camillus, though they had a firmly rooted belief in the legends about Romulus, would have laughed at any one who, as the most intelligent men did three centuries after, should have represented the institution of the senate as a politic measure issuing from the free-will of the founder of the city. In the cities of all the civilized nations around the Mediterranean, a senate was no less essential and indispensable than a popular assembly; it was a select body of the elder citizens: such a council, says Aristotle, there always is, whether the constitution be aristocratical or democratical: even in the oligarchal, be the number of sharers in the sovranty ever so small, some counsellors are appointed to prepare public measures[794].

That the Roman senate, like the Athenian of Clisthenes, corresponded to the tribes, has been already explained: but we may go further, and affirm without hesitation, that originally, when the number of houses was complete, the senate represented them immediately, and by a number proportionate to theirs. The three hundred senators at Rome corresponded to the three hundred houses, the number which was assumed above on good grounds: the decurion of each gens, who was its alderman, and the president in its by-meetings, would

794 προβουλοι, *procuratori*. Aristotle Polit. iv. 15. p. 125. Sylb.

represent it in the senate. And this explains why the members of the senates in the colonies, and after the Julian law those in the municipia, were termed decurions. The Spartan γέροντες were eight and twenty, a singular number; but since the two kings made up thirty with them, it may be explained according to the same hypothesis. Thirty houses were represented, the Agiads and Eurypontids by the kings: these names, when the descent of the two houses from twins had become an article of popular belief, were derived from certain alleged descendants of those mythical brothers[795].

That the senate should be appointed by the kings at their discretion, cannot conceivably have been the original institution. Even Dionysius supposes an election: his notion of it however is quite untenable, and the houses, not the curies, will at least originally have chosen their deputies.

The senate was divided into decuries: each of these corresponded to a cury. When the state was without a king, ten senators presided over it during the interreign: the mode of proceeding on these occasions is another of the points on which our historians give contradictory accounts: and no wonder; for no such magistrate had existed during the last three centuries[96]. According to Livy, when there

795 These thirty senators corresponded to the number of days in the month. The Roman three hundred point at those in the ten months of the cyclical year: the Attic houses at those in the solar year of twelve months. The numbers in the political institutions of antiquity are never arbitrary; and an unusual one invites us not without reason to inquiry. From a like reference I explain the singular number of the council of One Hundred and Four at Carthage (Aristotle Polit. II. 11. p. 54). This is twice the number of the weeks in the year: such a distribution of time, wholly independent of the celebration of the sabbath, would seem to have been common to the Phenicians with their neighbours, and to have been the basis of a political division, as the months were among the Greeks and Romans. In no nation is such a scheme more probable, than in that which raised altars to the Year and the Month, and paid divine honours to them, as well as to other abstractions: this is related of the inhabitants of Gades by Eustathius ad Dionys. Perieg. v. 453. from Ælian.

96 In the year 701 there was to be sure an interreign: but all proceedings then were arbitrary and lawless.

were but a hundred senators, one was nominated in each decury. These together formed a board of ten, in which the regal power and its badges, enjoyed by each interrex during five days, devolved in such a manner, that, if no king was created at the expiration of fifty days, the rotation began anew. Dionysius on the other hand states, that the two hundred *patres*, of whom the senate was composed at the death of Romulus, were divided into twenty decuries, and that one of these was fixed on by lot as the interregal board; and, when their time had expired, another. Plutarch finally, adopting the number of a hundred and fifty senators, says nothing of decuries, but relates that the royal power went round from the first to the last, so as not to remain more than half a day and half a night with each; and then, if the people were still without a king, the rotation commenced again[797]. This last account falls with the hollow basis on which it rests, the number of the senate: and Dionysius had the Attic prytanies in view, and supposed that all the senators must have enjoyed equal rights. Livy's statement refers to the superiority of the Ramnes; and in it we see the *decem primi*, the ten, each of whom was the first in his decury[98]: we may decide without hesitation in its favour.

The senate agreed among themselves on the person to be proposed by the interrex to the curies; whose power was confined to accepting or rejecting him. It was a rogation, as in the case of a law; and hence the interrex is said *rogare regem*, to put his acceptance to the vote. This is the way in which the creation of Numa and Ancus is related: as to Servius Tullius, he is said to have usurped the throne without a previous election

[797] Livy I. 17. Dionysius II. 57. Plutarch Numa, c. 2. p. 60.

[98] The expression of Dionysius, τοῖς λαχοῦσι δέκα πρώτοις ἀπέδωκαν ἄρχειν, shews that he found the term *decem primi* in the Annals. If he had not meant to indicate this, he would have written τοῖς πρώτοις λαχοῦσι δέκα.

by the senate[799]. Afterward the same system continues for a considerable time in the consular elections; as well as the word *rogare*.

When the king had been accepted, the immediate sanction of the gods was sought for by his inauguration; and there may have been a time of honest credulity when adverse auguries would be a ground for proceeding to a new election. What is far more surprising, is, that the inauguration itself was not sufficient to give the full power, the *imperium*, to the new king; that it was necessary to invest him with it by a specific law, which he himself proposed, and the rejection of which must have compelled him to resign his dignity. Only one of two grounds can have occasioned this regulation. Either the person nominated had, like the Greek magistrates, to pass through a scrutiny and prove that nothing disabled him or rendered him unworthy to enter upon his office; and the delegated examiners were to make their report on the subject to the curies[800]: or free men deemed the intrusting so great a power a measure so grave and hazardous, that they reserved themselves a double

[799] Dionysius II. 58. προυχειρίσαντο (οἱ πρεσβύτεροι βουλευταὶ)—Νομᾶν· ὡς δὲ τοῦτ' ἔδοξεν αὐτοῖς, συγκαλοῦσι τὸ πλῆθος εἰς ἐκκλησίαν· καὶ παρελθὼν ἐξ αὐτῶν ὁ τότε μεσοβασιλεὺς κ. τ. λ. III. 36. ἡ μεσοβασίλειος ἀρχὴ αἱρεῖται βασιλέα Ἄγκον· ἐπικυρώσαντος δὲ τοῦ δήμου τὰ δόξαντα τῇ βουλῇ κ. τ. λ. IV. 8. οὐκ ἀξιοῦντες (τὸν Τύλλιον) ἑαυτῷ μηχανήσασθαι βασιλικὴν ἐξουσίαν, μήτε βουλῆς ψηφισαμένης, μήτε τῶν ἄλλων τῶν κατὰ νόμον ἐπιτελεσθέντων. In the farther account of Numa's election, which I have not transcribed here, it looks as if the interrex proposed the regal candidate of his own authority: but this semblance is dispelled by the way in which the election of Ancus is represented. Dionysius however may have written carelessly.

[800] This would be the province of the pontiffs; because the kings had so important a share in the divine service: and the preliminary scrutiny, the δοκιμασία, could certainly belong to none but those who τὰς ἀρχὰς ἁπάσας ὅσαις θυσία τις ἢ θεραπεία θεῶν ἀνάκειται, καὶ τοὺς ἱερεῖς ἅπαντας ἐξετάζουσιν. Dionysius II. 73.

deliberation. The latter was Cicero's view, even with regard to the annual and limited magistracies[801].

The law of the curies conferred on the king all the power he needed as head of the state and of the army; together with authority to hold courts and assign judges[2]. The extent of this prerogative cannot be any way defined: one thing however I hold to be as good as certain; that the celebrated *lex regia* concerning the emperors, the subject of so much controversy, was no other than the law which granted the *imperium* to the kings; though not only with additions but likewise with alterations. A law which had been proposed by a king, was a *lex regia;* not so one which related to conferring regal power on such as were not kings. The table concerning the *imperium* of Vespasian professes to be a law, not an ordinance of the senate[3]: though under the emperors any comitia but such as were mere forms, like those of the curies, are out of the question. The formulary by which the *imperium* was granted to the kings, must have been preserved in the Papirian code.

In its power, prerogatives, and restrictions, the kingly dignity at Rome resembled that of the heroic age in Greece: it differed, in being only a magistracy granted for life. The king was the absolute general, and the priest who offered sacrifices for the nation; he alone, when within the city, can have been entitled to assemble the senate and the people, and to lay measures before them: but laws, war and peace, were determined upon by the citizens[4]; though there could be no precise limits to the power of a prosperous and favorite prince. He punished disobedience with corporal penalties and fines: yet an appeal lay from such sentences to the assembly

801 de l. agr. II. 11. (26.)

2 Judicia, quæ imperio continebantur; these in those days could not yet have been defined.

3 Its genuineness cannot be doubted except by an utter novice in these matters.

4 Dionysius II. 14. VI. 66.

of the citizens[805]; a franchise, which can only be conceived to have been enjoyed by the patricians. Every ninth day the king held his court[6]: to his tribunal belonged the adjudication of property and persons, the protection of legal possession; in a word every thing that was subsequently included in the prætor's jurisdiction, even the assigning a judge: if he chose however to determine causes in person, he might do so. His power over residents within the pale*, and over all that did not belong to the houses of the citizens, had no bounds, any more than a dictator's. Booty and land acquired in war were at his absolute disposal, so far as the claim of the citizens to the usufruct did not stand in the way. A part of the conquered territory fell to the share of the crown, which had extensive demesnes attached to it, cultivated by its vassals[7], and supplying it with riches and a devoted train. Over the administration of the pontifical law the king did not preside: the independence of the augurs is apparent from the legend of Attus Navius; that of the pontiffs is quite as unquestionable.

805 Provocationem etiam a regibus fuisse declarant pontificii libri, significant nostri etiam augurales. Cicero de Re p. II. 31. See below note 1102.

6 Macrobius I. 15. Tusci nono quoque die regem suum salutabant, et de propriis negotiis consulebant. The feelings which the recollection of this usage kept alive, may have occasioned the separating the nones and the nundines: Macrob. I. 13: not the fabulous cause assigned for it. See notes 671, 849.

* See below note 898.

7 Agri, arvi et arbusti et pascui, lati atque uberes, definiebantur, qui essent regii, colerenturque sine regum opera atque labore. Cicero de Re p. V. 2.

TULLUS HOSTILIUS AND ANCUS.

It was from the books of the pontiffs and augurs, that Livy took the formularies for the solemn proceedings of national law; formularies which, after prevailing for many ages, had in his day been long obsolete, and the origin of which was traced back to the kings. This is certain with regard to the formulary in trials for treason, containing the evidence for the existence of that appeal to the people, which Cicero knew of from the pontifical and augural books[808]: nor is it more questionable as to those used in the consecration of a king, in the proceedings of the Pater Patratus at a treaty, in those of the fecials, and in the surrendering of a city. A conjecture about the nature and character of these books is not a presumptuous exploring of a thing that fate has forbidden us to know. They can only be conceived as collections of traditions, decisions, and decrees, laying down principles of law by reporting particular cases[9]: and thus fragments of old poems might be contained in them, such as the law of treason from the lay of the Horatii.

The actual narrative of the times of the kings Livy, guided by his poetical feeling, drew mainly from Ennius: this seems to be demonstrated by his assuming for the duration of Alba the same period which is presupposed by the chronology of that ancient poet[10]; and surely it cannot have

808 Above notes 636 and 805.

9 As was done in the eastern collections of traditions, and even in the Pentateuch: Numb. xxxvi.

10 Above, pp. 170 and 229.

been mere chance that the invocation of the god Tiber by Cocles should agree so in the two accounts[811]. He could not have selected more judiciously: and so long as the history of Rome shall be written after him, no choice is left to the narrator in this part but to translate Livy; or, if his work, like mine, will not admit of such detail, to give the simplest record of poems, which happily may be presumed to be familiar to every one in Livy's excellent representation of them.

He that looks for historical truth, and consequently for connexion, in the story of the first century of Rome, must find it wholly incomprehensible that Alba disappears altogether the moment the city is founded. The tradition neither contains any report of aid sent by the mother city during the danger that threatened Rome; nor any explanation how Romulus, if the race of Æneas became extinct with Numitor, was kept excluded from their throne. Here both what is said, and what is not said, tends to establish the nature of those accounts, which we are told are historical. Alba and Roma were entirely strangers to each other: in the legend of the fall of the former city it is not the Silvii who reign there, but C. Cluilius as dictator, prætor, or king.

Mutual acts of violence had been committed by the citizens of the two cities; and it fell out that both were sending embassies at the same time to demand satisfaction. Now in order that the Albans might have to bear the responsibility of having unjustly refused to make atonement, the Roman king detained their embassadors by festivals and banquets, declining to introduce them into the senate; until the Albans had refused to deliver up the offenders to the Roman envoys, and these had thereupon declared war against Alba[12]. The armies of

[811] Tiberine pater, te sancte precor, hæc arma et hunc militem propitio flumine accipias. Livy II. 10. Teque, pater Tiberine, tuo cum flumine sancto. Ennius, p. 41.

[12] Bellum in trigesimum diem indixerant, says Livy: according to the fecial

the two cities were drawn up over against each other on the Fossa Cluilia, the ditch that bounded the pale of the Roman territory[813]: the princes came to an agreement that a combat should avert a battle. There were in each army three brothers, of the same age, the Horatii and the Curiatii; their mothers were sisters, and had both brought their sons into the world at a birth[14]. The ancient narrators varied in calling sometimes the Horatii, sometimes the Curiatii, Romans or Albans: it was only the late historians who came to a decision; nor is there any better authority than their caprice, if the former now pass universally for Romans, and by me too shall be called so. Two of the Horatii had fallen; the third was standing unhurt against three wounded foes, and by craft and skill overcame them. At the gate of the city his sister in her despair met him and cursed him, as conducted by the exulting army, he bore aloft the spoils of the slain, among the rest the embroidered cloak of her betrothed which she herself had woven: wrath seized him, and she fell by his hand. The judges of blood condemned him to be hung upon the luckless tree[15]; the people gave him his life.

law however it was the practice, after the lapse of three respites, each of ten days, (or likewise after thirty-three days), to declare, that it was now time for the elders at home to take counsel, whether they should avenge their wrong by war; and thus assuredly the ancient poet represented it in this place also. No doubt, long before Livy's time the annalist he followed made the change, without altogether abandoning the number: certainly it was a startling notion, that thirty days should have elapsed, without the Albans at Rome having heard of the demand made by the fecials in their city. Yet what need had the poet of measuring the actual distance? He might enlarge it, as much as served his purpose: just as on the contrary Herodotus and Xenophon contract the Medes and Persians within the compass of a small Greek people, nay of a single city and its domain.

813 There might be a tradition that this ditch was named after an Alban prince; hence came the story that the armies had been long encamped there: and because Fuffetius is afterward the prætor of the Albans, Cluilius was made to die in the camp.

14 Every body perceives, how the two sister nations, as they are conceived to be, are typified here, with the three tribes in each of them.

15 The phrase, *Am argen nordischen Baum henken*, in the Frisian aws, answers to *infelici arbore suspendere*.

For the compact had been, that the nation whose champions should be victorious, was to command the obedience and service of the other: and the Albans fulfilled it. When Fidenæ however had driven out or overpowered the Roman colonists, and was defending itself with aid from the Veientines against Tullus and the Romans, in the battle that ensued the Romans stood against the Veientines; on the right, over against the Fidenates, were the Albans under their dictator Mettius Fuffetius[816]. Faithless and yet irresolute he drew them off from the conflict to the hills: when the Etruscans, seeing that the engagement made to them was not kept, and suspecting that he was threatening their flank, gave way, and fled along by his line, the twofold traitor fell upon them in their disorder, for the sake of cloaking his treachery. The Roman king feigned himself deceived: on the following day the two armies were summoned, to receive their praises and rewards. He whose courage forsakes him in the execution of a criminal plot, will surrender himself to secret vengeance, with a view of avoiding what might confirm the suspicion that such a plot had been formed. The Albans, having left behind their arms, were surrounded by the Roman troops, and heard the sentence of the inexorable king: upon their dictator,—that, as he had been faithless both to Rome and to the Etruscans, in like manner he should be torn in pieces by horses driven two opposite ways; upon themselves and their city,—that they should remove to Rome, that Alba should be destroyed. It was accomplished. The city, stript of all its men who were able to bear arms, was surprised, and razed, to the sound of trumpets[17], saving the temples.

The Alban war may, like the Trojan, have a historical

816 *Mettius*, not *Mettus*, would have been the reading in Livy also, as well as in Ennius and the Greek writers, unless the authority of the manuscripts had been treated with contempt. The proper names of the Latins resemble gentile names in their terminations; as *Octavius*.

17 Servius on Æn. II. 313.

foundation, the nature of which cannot be accurately determined: but the settlement on the Cælian hill is by other legends attributed to Tuscans; under Romulus, or again long after Tullus: and very weighty reasons seem to prevail for questioning the destruction of Alba by the Romans. According to the Italian law of nations, which in such a case of a total destruction would also have been the law of nature, the property of the Alban territory must have passed over to the Romans. Yet we find it in the possession not of Rome, but of the Latins; here, at the fountain of Ferentina, below Marino, they held their national assemblies [818]. So that an entirely different historical fact may perhaps lie at the bottom of this story: Alba may have been destroyed by the Latins, not by Rome, and the Albans may have retired to Rome and been received there as refugees. Thus the destruction of Fiesole, and the carrying away the Fiesolans to her pretended daughter city, is the earliest point that passes for historical in the story of Florence. From the year 1008 to Machiavel there are nearly 150 years less than were reckoned between Tullus and Livy; the oldest chronicles related it: and now the Tuscan critics have long since established that Fiesole continued to exist for many ages after that destruction just the same as it was before.

In the time of Tullus, the Sabines were the most powerful people in all Italy, next to the Etruscans. Tullus carried on a successful war against them; until the anger of the gods at the neglect of their service and at the decay of the piety that had been inculcated by Numa, was announced by a shower of stones on the Alban mount, and by a pestilence. The king himself sickened, and sank despondingly into restless superstition. As the gods persisted in their silence, and would not by any sign reveal to him the means of atonement, he sought by Numa's mysterious rites at the altar of Jupiter Elicius to constrain them

818 Livy I. 50. VII. 25. Dionysius seems to confound this place with the Ferentinum of the Hernicans.

to an answer: but an oversight in these perilous conjurations, or the wrath of the gods, brought down a thunderbolt upon him. The lightning consumed the corpse and the house of the king, together with all his family. A reign of two and thirty years is assigned to him.

The lay of Tullus Hostilius is followed by the relation of a course of events, without any marvellous circumstances, without poetical colouring: by the founding of Ostia it is connected with history: but it is referred to a chronological computation in which the tricks of artificial falsifiers are more clearly apparent than anywhere else.

Ancus Marcius, from whom the plebeian house of the Marcii boasted of descending, was called in the tradition the son of Numa's daughter; which indicates the alternation of Roman and Quirite kings. Mindful of his ancestor's example he applied himself, without abandoning the war, to repair the neglect of religion. He transcribed the ceremonial law, so far as it required to be generally known, upon tables, and fixed them up in the marketplace that all might read them: and indeed it may very easily be believed to have not been until after the time of the kings that the indispensable duties of religious observances were converted by the pontiffs into a mystery which was only to be learnt from their teaching.

In the old poems this king bore the epithet of the *good*[819]: and as he is related to have parcelled out conquered lands among the people[20], this may have been the ground of that epithet; as on the other hand it must have been what occasioned Virgil to charge him with vanity and courting popular favour. They who look with aversion on the beneficent and kingly work of fostering what is in the germ and of cherishing new rights as they spring up, seek for its motives, not in that nobleness of mind which respects the rights of whatever has life in it, and rejoices in the coming of new life, while it loathes the approach of torpour or

819 In Ennius and Lucretius: Zonaras too says ἐπιεικὴς ὤν.

20 Cicero de Re p. II. 18.

of decay, but in impure inducements, which, it is true, may give birth to actions not dissimilar in appearance.

After the fall of Alba begin the wars with the Latins, who dwelt on both sides of the Anio in a semicircle about Rome, the Tiber forming the chord. Of that war with them, which, as Dionysius relates, arose even in the time of Tullus, in consequence of Rome pretending to have acquired the supremacy ascribed to Alba, Livy is ignorant. He does however make mention of a union concluded under that king with the Latins; and the existence of the same, as a confederacy in arms, not with the Latins alone, but also with the Hernicans, such as that of Sp. Cassius, is presupposed in a narrative preserved from Varro, which has a historical air[21]. It relates that allied troops under generals from Anagnia and Tusculum, encamping upon the Esquiline, covered the city whilst Tullus was besieging Veii; a war, which is connected with that against Fidenæ, just as it is in the legend of Romulus: Livy, who passes over it here, nevertheless seems to include it in the total number of the Veientine wars[22].

Ancus conducted that against the Latins victoriously. Politorium, Tellena, Ficana or Ficulea, were taken possession of, and their inhabitants compelled to settle upon the Aventine, on the side of it facing the Palatine. At length the danger of Medullia assembled a confederate army, over which the king gained a long-contested decisive victory, and thereupon carried away many thousand Latins to Rome. He also made conquests from Veii, gained forests on the seacoast and saltmarshes, and opened the mouth of the Tiber to the Romans, building Ostia there, the oldest Roman colony which the historical age recognized as having been preserved: for those founded by Romulus, Fidenæ, Crustumerium, and Medullia, by their rebellion effaced this character again. Ostia, enjoying the same

[21] Varro Rer. Human. VIII. in Festus v. Septimontio.

[22] Septies rebellarunt. Livy V. 4.

Cærite franchise, was the harbour of Rome: ships of considerable size could in those days run into the river; which now, partly through neglect, partly from ill-judged erections, has rendered its mouth inaccessible, even more so than the other rivers that discharge themselves into the Mediterranean. The oldest monument of Rome, the prison, formed out of a quarry opened in the Capitoline hill, is the work of Ancus. He likewise built the first bridge over the Tiber, and a fort before it upon the Janiculum as a bulwark against Etruria: on the other side he protected the newly settled district, the valley of the temple of Murcia, by the ditch of the Quirites, or drained it thereby for building upon.

THE LAY OF L. TARQUINIUS PRISCUS

AND

SERVIUS TULLIUS.

It is impossible to believe that the ancient lays in their original form spoke of Damaratus as the father of L. Tarquinius: but Polybius must have found this account already extant in the Roman Annals*; and it may also have occurred in Ennius; nay even in the later forms assumed by the old poem, when the stories of Zopyrus and Periander were woven into it. Such lays, even in the hands of learned bards, are perpetually altering their features, shifting and changing until they vanish away.

When Cypselus, the offspring of a marriage of disparagement, by uniting with the commons had overthrown the oligarchy at Corinth, and was taking vengeance on the persons who had aimed at his life, many of the Bacchiads fled, among the rest Damaratus. Commerce had not been esteemed disreputable among the Corinthian nobility; as a merchant, Damaratus had formed ties of friendship at Tarquinii; he settled there. He brought great wealth with him; the sculptors Euchir and Eugrammus, and Cleophantus the painter[823], accompanied him; and along with the fine arts of Greece he taught the Etruscans alphabetical writing[24]. Renouncing his country for ever, he took an Etruscan wife, and to the sons whom she bare him, gave the names and education of their own land, together with the refinements of Greece. One

* Polyb. vi. 2.

823 Pliny. H. N. xxxv. 5. 43.

24 Tacitus. Annal. xi. 14.

story represents him as having obtained the government of Tarquinii[325]: but there is more accordance with the Etrurian customs and laws in the other, that his son Lucumo, having by his elder brother's early death become sole heir of his father's riches, encouraged by his wife Tanaquil who had been initiated in the national art of reading futurity, resolved on emigrating to Rome, because every prospect to honours was closed against strangers among the Etruscans. An augury confirmed her expectations. When they were looking from the top of the Janiculum upon the Roman hills before them, an eagle carried away the traveller's bonnet into the air, then stooped again with it and replaced it on the head he had bared. At Rome he was welcome: admitted with his family to the rights of citizenship, he changed his name into Lucius Tarquinius,—Livy adds, Priscus. His courage, the splendour with which he lived, his liberality and prudence, gained him the favour of the king and the people: the former appointed him guardian to his sons; and the senate and citizens with one consent raised him to the vacant throne.

Of the wars ascribed to L. Tarquinius, Dionysius, adopting the forgeries of very recent annalists, has given an intolerable newspaper account: for the purposes of this work even Livy's dignified brevity goes too much into detail; and it would be utterly at variance with them, to stop and point out how the two historians contradict each other as to the order of these wars and their events. According to Livy it was the Latins and Sabines, who obstinately and unsuccessfully resisted the growing power of Rome. Apiolæ, which Tarquinius destroyed, was a Latin town; and so rich, that the booty sufficed for exhibiting more splendid games than the city had yet seen: Corniculum too was burnt to the ground; and, together with Nomentum, Ameriola, Cameria, Crustumerium, Ficulea, Medullia, places to be sought for between

[325] Strabo VIII. p. 378. c.

Nomentum, Tusculum, and the walls of Rome[26], submitted to the dominion of the Romans. One or two of these towns are never again mentioned afterward. The Sabines had advanced to the gates of Rome with a great force: the Roman horse drove them back: their camp stood on the left bank of the Anio, when Tarquinius set fire to their bridge by means of burning rafts, and annihilated their whole army. To this war several traditions refer; the vow of the Capitol, and the introduction of ornaments for boys of noble birth: the king's son, a lad of fourteen, received from him the golden ball and the purple-bordered robe, because he had slain a foe.

The war in which Tarquinius subdued the Æquians, in after times the indefatigable enemies of Rome, and already a great and menacingly powerful people[27], is referred by Livy to the second king of that name[28]. Dionysius knows nothing at all of this quarrel: on the other hand he relates minutely, how at first five of the remoter great Etruscan cities were induced to send inadequate assistance to the Latins; how afterward, when the Sabines had entered into a truce for some years, all the twelve cities to the south of the Apennines united their forces against Rome, but after losing a battle at Eretum submitted to king Tarquinius as their supreme head, and did homage to him by presenting him with the badges of royalty, the splendour of which ennobled his triumph[29]: according to this account, in the evening of his life he was the acknowledged sovran of the Etruscans, the Latins, and the Sabines. With regard to such a vast

826 It is hard to understand how the Romans and Sabines can have come in contact in their wars, so long as these cities continued independent and separated them.

27 Cicero de Re p. II. 20.

28 He treats it indeed as a matter of less importance: pacem cum Æquorum gente fecit. I. 55.

29 This ceremony too was adopted by Rome from the Etruscans, whose monuments contain representations of triumphal processions.

extent of his dominions Cicero like Livy is silent; the only extant Latin writer who speaks of it, is Florus: but thus much is recognized by all, that Rome under Priscus raised itself far above its former power.

The victory in the Sabine war was owing to his having doubled the number of his cavalry: in accordance with this the king wished to double the number of the equestrian centuries, and to name the three new ones after himself and his friends. His design was opposed by the augur Attus Navius; who represented that Romulus had acted under the guidance of the auspices in regulating the centuries, and that nothing but the consent of the auspices could warrant a change in the distribution of the knights. Attus was by descent a Sabine; the gift of observing and interpreting auguries was the endowment of his countrymen; even when a boy, without instruction he had practised the art, and afterward on being taught had acquired the greatest insight into it that any priest ever attained to[830]. In all probability the books which we read, word his objections less peremptorily than they once were worded in the legend: probably he declared that the auspices forbade any change. Tarquinius, to shame the augurs, or for his own conviction, as Crœsus tried the veracity of the oracle, commanded him to divine whether what he was at that moment thinking of were possible or impossible. When Attus had observed the heavens and declared that the object of the king's thoughts could be effected, Tarquinius held out to him a whetstone, and a razor to split it with: the augur did so without delay. The whetstone and razor were preserved in the Comitium under an altar: beside them

[830] Dionysius says, he did not belong to the college of augurs. This is an inference which his ingenuity, or that of some one before him, drew, because the augurs were patricians, and Attus in his boyhood had tended his father's swine; as if a poor patrician could have dispensed with the household services of his children. It is absolutely inconceivable that the ancient legend should have represented the most renowned of all augurs as a stranger to the college.

on the steps of the senate-house stood the statue of Attus, a priest with his head muffled.

Yielding to this omen, the king abandoned the establishment of new centuries: but he associated a second under the same name to each of those established by Romulus; so that from this time forward there were the first and second Ramnes, Tities, and Luceres. They who have written that the equestrian order was increased to twelve hundred, take a century for a hundred horsemen, and suppose that the six centuries were further doubled by the same king after the Æquian war[831]: what they refer to however is nothing but the union with an equal number of Latin cavalry in the field, as was the case with the infantry.

What has made the name of Tarquinius ever memorable, is, that with him begins the greatness and the splendour of the city. Often the legend fluctuates in ascribing a work or an exploit to him or to his son: but the vaulted sewers by which the Velabrum, the Forums, the country down to the lower Subura, and the valley of the Circus, till then swamps and lakes, or bays in the bed of the river, were drained, are by most of them called the work of the elder king; and coupled with this undertaking must have been that of embanking the Tiber. In the valley thus gained between the ancient town of Rome and the Tarpeian hill, he allotted a space for a market and for the meetings of the people, built porticoes around it, and gave ground to such as wished to set up booths and shops there. Between the Palatine and the Aventine, the meadow

[831] This throws light on a very obscure passage of Cicero de Re p. II. 20. Prioribus equitum partibus secundis additis, M ac CC fecit equites, numerumque duplicavit postquam bello Æquos subegit. Livy has misunderstood the fact: yet in him too 1200 should be written, not 1800: see Mai on the passage of Cicero. For there is little difference between *d* and *a*, especially in the uncial character of which a specimen is given in the plate to my edition of Cicero's fragments n. 3; and they would be perpetually mistaken for each other, but that *d* is a consonant. M*d*CCC in the Florentine manuscript comes from M*a*CCC (M *ac* CC) as it stands in Cicero.

redeemed from the water was levelled, and converted into a race-course: every cury had a place here assigned to it, where the senators and knights erected scaffolds to view the games from[832], and where they will also have made room for their clients. He surrounded the city with a wall of hewn stone after the Etruscan manner, or at least made preparations for it[33]. The building of the Capitoline temple from the very foundation is ascribed by the earlier narratives to the last king: to the father they only attribute the vow. And so must every one do, who wishes for connexion or fancies he sees history in lays and legends: otherwise during the whole reign of Servius Tullius the building would have rested for forty-four years.

Works that rival the greatest of the Etruscan, cannot have been accomplished without oppressive taskwork, any more than those of the Pharaohs or Solomon's. The king cheered his people during their hard service by games; which from his time forward were celebrated annually in September under the name of the Roman or great games. Among the contests which drew the Greeks to Olympia, only the chariotrace and boxing were practised by the Etruscans. The spectacle was a source of delight to the people of Italy; but the contests were the business of hirelings or slaves: the freeman who engaged in them, instead of being immortalized by sculpture or in song, and of becoming the pride of his family, forfeited his honour and his civil rights. The charioteer and the player were in no higher esteem than the gladiator. Not that the Romans clung to their spectacles of all kinds with less vehemence of pleasure than the Greeks: but if, like the Greeks, they could have honoured the object that excited

[832] Loca divisa patribus equitibusque, says Livy I. 35: διελὼν τοὺς τόπους εἰς τριάκοντα φράτρας, ἑκάστῃ φράτρᾳ μοῖραν ἀπέδωκε μίαν. Dionysius III. 68. They are both relating the same thing.

[33] Dionysius III. 67 says ἐδοκίμασε· Livy I. 38 *parat*. The tradition, we may be sure, was not thus cautious: what made the historians so, is clear enough: the wall of Servius.

their passions, they would not have lost themselves in that extravagant fury, which even in early times maddened the factions of the circus in behalf of their despicable favorites. But the chariotrace was not the only enjoyment at the Circensia: there were also the processions, the images of the gods borne along robed in kingly garments, the armed boys, the war-dances and the ludicrous imitations of them *. The worship of the gods too, till then plain and simple, was clothed with splendour under Tarquinius: in his reign bloody sacrifices are said to have been introduced, and adoration to have been first paid to representations of the gods under human forms.

The memory of this king was cherished and honoured by the descendants of those who had sighed under his heavy yoke; nay these sufferings were imputed to his detested son; although neither the Forum nor the Circus can have been laid out, until the great sewers had been built. Yet more favour was shewn by after ages to Caia Cæcilia, the wife whom another legend gives him instead of the Etruscan Tanaquil: a beneficent enchantress[834], and an industrious housewife diligent at the loom, she was reverenced by the Roman brides[35], just as the days of Queen Bertha and her spinningwheel are still held in blessed remembrance among the Germans.

According to the tables of the pontiffs, Tarquinius had reigned thirty-eight years, when his glorious life was wrested from him by assassination. The sons of Ancus Marcius had long looked upon him as an enemy and usurper, whose death would leave the throne vacant to their advantage. They were not quieted by seeing that the king was more than eighty years old: for there was no doubt that, if the approach of death found him possessed

* Dionysius VII. 72.

834 She wore a magic girdle: hence persons in great peril took filings from the girdle of her statue in the temple of Sancus. Festus. v. Prædia.

35 Probus de nominibus p. 1400. in Gothofred. Auct. Ling. Lat. Plutarch Quæst. Rom. XXX. p. 271. e. makes her wife to a son of Tarquinius.

of his consciousness, he would secure the succession to his son-in-law Servius Tullius, his own favorite, and the darling of the whole people. In those days the prince still acted as a judge, especially in breaches of the peace, for every one of his subjects who had recourse to his paternal authority. Under a pretext of this kind two murderers engaged by the Marcii obtained an entrance into the king's apartment, and gave him a deadly wound.

The birth of Servius Tullius was as marvellous as it was humble. Ocrisia, a handmaid of the queen and one of the captives taken at Corniculum, when bringing some cakes as an offering to the household genius, saw an apparition of the god in the fire on the hearth: Tanaquil commanded her to array herself as a bride and shut herself up in the chapel. She became pregnant by a god: many Romans called the household genius the father of Servius, others Vulcan. The former supported their opinion by the festival Servius established in honour of the Lares: the latter by the deliverance which the god of fire vouchsafed to his statue[836].

Such legends are always far older than those which have a historical semblance; of the latter kind two very different ones became current concerning the descent of Servius. According to the one[37], his mother was a handmaid from Tarquinii, his father a client of the king, he himself when a child in the condition of a slave. The other has a more dignified air, and was caught at by Dionysius: that at Corniculum, one of the Latin towns to the north of the Anio, there dwelt a person of princely birth, who likewise bore the name of Servius Tullius: that at the taking of his native city he was slain along with all its defenders: but that his widow, then far advanced in pregnancy, was carried away with the other

[836] Ovid. Fast. VI. 625 ff. Dionysius IV. 2.

[37] In Cicero de Re p. II. 21. The insinuation that Servius was probably a bastard of the king, is an instance how even the greatest mind may be betrayed for once into writing a silly absurdity.

captives to Rome; where on account of her illustrious rank she was assigned to the queen, was treated with honour, and was delivered of a boy.

One day as the child was sleeping in the portico of the royal palace, his head to the horrour of the beholders was seen encircled with fire[838]. The queen Tanaquil forbade the flame to be extinguished: for the Etruscan prophetess recognized in it the spirit of his father, and that the boy was called to great things: when he awoke the apparition had vanished. From that time forward he was bred up like the king's own child, and to the highest hopes. In more advanced life also he never ceased to be in intimate communion with the higher powers. The goddess Fortune loved him: she compressed within his life all the extremes of her empire, birth in the form of a servant, and the possession of sovran power with worthiness to wield it, and finally unmerited cruel death: she visited him secretly as his spouse[39], but under the condition that he should cover his face and never look upon her. A very ancient gilt wooden statue of the king, the face of which was in like manner kept covered over, was set up in the temple he had erected to his goddess. The temple was once consumed by fire; but the statue remained uninjured, because Servius was sprung out of the flames.

In his early years, the city and army found him the bravest and the best of the Roman youth: a battle had been almost lost; he threw the standard into the midst of the enemy's ranks, and thus inspirited his soldiers to gain the victory: he headed the armies of the aged king with glory, and as a reward was selected to wed his daughter. His father-in-law intrusted him with the exercise of the government; and when Tarquinius became very

838 According to Valerius Antias this happened late in life, when he had fallen asleep after sorrowing long for the death of his wife Gegania. Plutarch de Fort. Roman. p. 323. c. This Gegania instead of Tarquinia, and Cæcilia instead of Tanaquil, may possibly be historical personages.

39 Ovid Fast. vi. 577 ff.

old, Servius may have been able to lighten the yoke that pressed on his subjects. So that they heard the tidings with joy, when, by an artifice which has frequently been practised in the East, it was announced to them that the king's wound was not dangerous; meanwhile it was his will that Servius should govern in his stead. Had an interreign taken place, it would have lain within the power of the senate to keep the election of Servius from coming to the vote: as it was, he ruled with the authority of a king, without any election: however when the death of Tarquinius became known, the curies invested him with the *imperium*[840]; and afterward he did homage, the first who ever did so, to the majesty of the centuries, by letting them also decide whether he was to reign over them.

The wars of this king are far the least important part of his actions: one that was carried on successfully against the Veientines, of which Livy makes only slight mention, is magnified by Dionysius into victories over the whole Etruscan nation, which after the death of Tarquinius had repented of its submission, but was compelled by severe defeats to resort to it a second time as to the only means of safety. Indeed the forgery has penetrated even into the Fasti, where the pretended triumphs stand recorded with the year and day of their occurrence.

In the older traditions Servius, next to Numa, seems to have had the scantiest portion of military fame allotted to him: his great deeds were laws; and posterity, says Livy, named him as the author of all their civil rights and institutions, by the side of Numa the author of all the religious. The constitution which is attributed to him, requires an explanation that must be separated and removed without the circle of the legends: but the lays which preserved his memory in freshness, must assuredly have also celebrated, how with his royal treasures he paid the debts of such as were reduced to poverty, and redeemed

840 Cicero de Re p. II. 21. Dionysius IV. 12.

those who had pledged their labour for what they borrowed; how he assigned allotments of land to the free plebeian citizens, out of the territories they had won for their common country with their blood.

Many Latin communities, whether their towns had been destroyed, or still existed as market-places, at this time formed a part of the Roman people, which had already grown into a nation: and this nation was united by treaty, but not by a federal league, with the Latins who held their general assemblies at the fountain of Ferentina. Servius brought about a federal union, and at the same time obtained a supremacy in it. All such federations among the ancients were connected with the worship at some common temple: the sun and moon, Dianus and Diana, were the divinities adored by the Latins, as the mightiest, the most manifest, and the most benevolent. Servius concluded a league between Rome and the thirty towns of the Latins, among which Tusculum, Gabii, Præneste, Tibur, Aricia, Ardea, were at that time the most important: and the confederates combined in erecting a temple to Diana on the Aventine, the principal abode of such Latins as had newly become citizens of Rome. The tablet containing the record of the league, and enumerating every people that took part in it, was erected and preserved there: and it may have been because this temple was the common property of Rome and Latium, that the Aventine was not included within the pomœrium of the city; neither when Servius extended it by incorporating the Esquiline and the Viminal, nor in subsequent enlargements[841].

The Sabines also joined in the worship of this temple[42]. A yeoman of that people had a bull of prodigious size born among his cattle, the enormous horns of which were preserved down to very late times, nailed up in the vestibule: the soothsayers announced that whoever should sacrifice

841 Gellius XIII. 14.

42 In this way one may get over the difficulty which the acute Glareanus perceived in Livy I. 45.

this bull to the Diana of the Aventine, his country would rule over its confederates. When the Sabine had driven the victim before the altar, the Roman priest craftily rebuked him for daring to offer it up with unclean hands: while he went and washed in the Tiber, the Roman accomplished the sacrifice.

The legend relates that the patricians received the king's beneficent and wise laws sullenly and angrily; and its voice may well be believed; for among their descendants only here and there a few were inspired with the wisdom of king Theopompus, who comforted his repining queen by telling her, that power from being limited becomes more lasting. Strong houses belonging to the nobility in strong situations within the city excited alarm in ancient Rome, as they did during the middle ages: thus the people looked with jealousy on the house that the consul Valerius was building, and thus the Tuscans are said to have been commanded to descend from the Cælian hill*. In the same spirit it is related, that, when Servius was building on the Esquiline and took up his own residence upon that mount, he would not allow the patricians to fix there; just as they were afterward prohibited from dwelling on the Capitoline: but he assigned the valley to them, where they settled and formed the *Vicus Patricius*[843]; in the neighbourhood of Santa Pudenziana. His suspicion was not unwarranted; thus much may be considered as historical, that they conspired with a heinous rebel against the venerable king.

The royal house of Rome too, says Livy, was not to continue undefiled by tragical horrours. The two brothers, Lucius and Aruns, the sons of Tarquinius Priscus, were married to the two daughters of king Servius. Lucius, capable of crime, though his own impulses were not strong enough to urge him into it, was united to a virtuous lady; Aruns, honest and sincere, to a wife of a

* Varro de l. l. iv. p. 14.

843 Festus v. Patricius Vicus.

diabolical character. Enraged at the long life of her aged father, at the apathy of her husband, who seemed ready to resign the throne on its becoming vacant to his ambitious brother, she swore destruction to them both. She seduced Lucius to join her in contriving the death of his brother, of her own sister: without even the bare show of mourning, they lit their marriage torch at the funeral pile: Tanaquil lived to endure this sorrow[844]. It seemed however as if the criminals were losing the aim of their crime: for Servius, to complete his legislation, entertained the thought of laying aside the crown, and himself introducing the consular form of government[45]. Nor did they stand alone in their alarm and indignation at this plan: the patricians sympathized with them entirely: for they saw that the hateful laws of Servius would be confirmed for ever, if consuls should be appointed according to the king's commentaries. When the conspiracy was ripe, Tarquinius appeared in the senate with the badges of royalty, and was greeted by the insurgents as prince. On the report of a seditious commotion, the king hastened undaunted to the senate-house. Standing in the doorway he reprimanded Tarquinius as a traitor: the latter seized the weak old man, and threw him down the stone steps. Bleeding and maimed Servius was lifted up by some trusty attendants and led away; but before he reached his dwelling, the tyrant's servants came up with him and murdered him: his body they left lying in its blood.

Meanwhile Tullia could not await the tidings of the result. She drove through the midst of the crowd to the senate-house, and hailed her husband king: her transports

844 According to Fabius: see Dionysius IV. 30, where he vehemently finds fault with Fabius on this score, because according to the Annals Aruns died in the fortieth year of Servius.

45 Livy I. 48. 60. Dionysius IV. 40. In Plutarch de Fort. Roman. p. 323. d Ocrisia or Tanaquil exacts an oath from him not to do so: that is, she foresaw Tullia's crime.

struck even him with horrour; he commanded her to return home. In a street, which from that time forward bore the name of the Wicked, the body of her father was lyiug before her. The mules shrank back; her servant pulled in the reins; she ordered him to drive her carriage over the corpse: the blood spirted over the carriage and on her dress.

According to another legend which Ovid has worked up[846], the insurrection of Tarquinius excited a fray between his partisans and those who remained faithful to the king; in which Servius, while flying to his house, was slain at the foot of the Esquiline: thus the bloody corpse was lying before the carriage, when Tullia drove to take possession of the palace.

Once she ventured to enter the temple of Fortune, where the honoured statue of her father was erected: the statue hid its face from the looks of the parricide[47].

The people, stunned and dismayed, suffered the chains that had been loosened, to be fastened upon them again: but when in the funeral procession the image of Servius was borne behind his bier in the pomp of royalty, then every virtuous and every fierce passion was kindled by the beloved features that were restored to their sight: an insurrection would have burst forth immediately; vengeance would have been taken: but so unstable and thoughtless is the populace, its rage was appeased when the face was covered over[48]. Yet the memory of Servius continued to live very long; and since the people celebrated his birthday on the nones of every month—for the month had become uncertain; but that he was born on the nones of some month was agreed by every tradition,

846 Ovid Fast. VI. 598. 47 Ovid Fast. VI. 613.

48 Another legend followed by Livy related exactly the contrary; that Tarquinius forbade the burial of the corpse, saying in mockery, Romulus too had gone without funeral rites; and that for this reason the name of Superbus was given him. They who, like Dionysius, thought such conduct too unmannerly, devised a way of burying Servius, not indeed suitably to his rank, but at least privately.

— and as their veneration grew stronger and stronger, when the patricians, having become sole masters of the government under the consular form, pressed hard upon the commons; the senate at length found it necessary to enact that the markets should never be held on the nones, lest the countryfolk being gathered together, and inflamed by present oppression, and by the remembrance of better times, should hazard an insurrection, to restore the laws of the martyr[849].

[849] Macrobius Saturnalia I. 13.

EXAMINATION OF THE STORIES OF L. TARQUINIUS AND SERVIUS TULLIUS.

The story of Damaratus acquires a seductive look of historical truth, from the positive manner in which it connects itself with Cypselus, whereby it appears at the same time to confirm the chronological statements with regard to L. Tarquinius. Now could it be assumed that the story was transplanted in this shape from native traditions into the earliest annals, it would only have the more weight in consequence of the gross ignorance as to Grecian affairs displayed by the annalists even so late as in the seventh century of the city, and of their manifest incompetence for contriving that the tables of the pontiffs should synchronize with the history of Corinth. Did they not even consider Dionysius a contemporary of Coriolanus? did they not fancy, running off into the opposite errour, that in the year 323 the Carthaginian armies crossed over into Sicily for the first time[850]?

But this apparent chronological coincidence stands and falls with the dates assigned to L. Tarquinius; and the only foundation for these is a trick played with numbers. In the bare empty outline, which is clearly an invention, there may seem to be such an agreement: but the old

[850] For the former point, see Dionysius VII. 1: for the latter Livy IV. 29; who repeats the statement without a scruple. There is a singular misunderstanding here, which I will explain in the second volume.

Roman story was enormously at variance with those dates, and there is no possibility of a reconcilement: what looks like one has only been brought about by glossing over some things and distorting others.

All the Roman annalists, with the exception of Piso who adulterated what he found, followed Fabius in calling the last king and his brother Aruns the sons of the elder Tarquinius, who left them orphans in their childhood; and this account was adopted by Cicero and Livy: Fabius said no less expressly, that they were the sons of Tanaquil, who outlived Aruns. This harmonizes exceedingly well with our finding that Collatinus and L. Brutus, the former of whom is described as the grandson to the brother of the elder Tarquinius, the latter as the son of that king's daughter, are of the same age with the sons of Tarquinius Superbus: and this strikes so deep into the very heart of the story, that the refinements of Piso and Dionysius destroy all manner of connexion in it, and necessitate still more falsifications than they themselves had any notion of, in order to restore even a scantling of sense and unity.

It was the easiest of all possible historical controversies, to shame old Fabius by calculating that Tarquinius, if, as the Annals gave out, he came to Rome at latest in the eighth year of Ancus, must at least have reached his eightieth year when he was murdered, and that Tanaquil cannot then have been under her seventy-fifth; so his having left children of tender age behind him was out of the question; and moreover that, if Aruns died in the fortieth year of Servius, his mother must then have been a hundred and fifteen years old. With Fabius indeed the Halicarnassian critic might argue on the premises of the chronology admitted by both: but the old poet would have replied: My good friend! who told you that I count like the pontiffs? If I reckoned a period of eighty-two years for the two reigns of Tarquinius and Servius, and troubled myself about the year when the

Lucumo came to Rome and when Aruns died, then you would be in the right: but those nonsensical numbers no way affect me. If you insist on my saying how many years then I allow to these two kings, and if I must at last give you an answer; why...five and twenty, thirty[851] ...what know I about it? what care I? Only it must not be a number that ruins my poem, and makes Tullia and Tarquinius wait twenty long years from the hour when they must have conceived the plot of their crime, before they carry it into effect: it must not be a number that makes the father of Collatinus come into the world above a hundred and twenty years before the day of his son's idle talk with the royal youths over their cups; or the mother of Brutus more than a century before he drove out the Tarquins, having been living with the young princes as their comrade.

But as soon as the birth of the first Tarquinius is placed at least half a hundred years later, Damaratus ceases to be the contemporary of Cypselus; and the whole story fabricated out of this coincidence by some Greek learned in chronology, falls to the ground. Such inventions may have travelled to Rome as early as in the time of Fabius, since the father of Roman history wrote after the death of Eratosthenes.

Here again I will not refuse to try if I can explain how the current story arose. That story is very far from the same thing with a certain ancient Græco-Italian tradition, that Etruria had received alphabetical writing and the arts from Greece. The tale of Damaratus personified the bearers: none surely will place the sculptors Euchir and Eugrammus, that is, beauty of form in the moulding of clay and beauty of drawing thereon, as real personages

851 Whoever wishes to form a notion of what will be the probable mean duration of a magistracy resembling the Roman monarchy, may acquire it from the catalogues of the Venetian doges, during that period when the election did not of set purpose fall on old men, but on persons fit to govern and to command the armies of the state. During five centuries, between 805 and 1311, there were forty doges; so that twelve years and a half fall to the share of each. Besides at the beginning the office was in fact hereditary.

in the history of the art; yet these names seem to come from old times; not so Cleophantus the painter, who may have been added afterward. Damaratus however is inseparable from his companions; and it is far from candid, to lose sight of or to slur over his being the introducer of writing: which is only done, because nobody can believe that the art did not enter Tyrrhenia until about the thirtieth Olympiad.

What is related of him is an ancient tradition, just of the same kind as that which makes Evander teach the art of writing to the Latins: originally it was without any determinate date, and was only carried vaguely backward in thought as far as the diffusion of writing and the first beginnings of the arts; for Cleophantus had no other colours than the red dust of ground tiles: so that assuredly, had the notion become more distinct, it would have thrown the age of Damaratus far back beyond the Olympiads, as was the case with Evander. With regard to Corinth being called his home, a hint for explaining this might perhaps be derived from the resemblance noticed above between the earthen vases of Tarquinii and of Corinth*; which allows us to draw an inference as to some peculiar intercourse between these two maritime cities: and a Corinthian of the same name may actually at some time or other have resided in Etruria, and may have been celebrated; and have become still more so, from the fable giving his name to that ancient teacher of Tyrrhenia. When he was generally known, like Pythagoras, the Roman legend connected Tarquinius with him, as it did Numa and the Æmilii with that philosopher; and from the Roman chronology it was concluded that he must have been contemporary with Cypselus, and so might be a fugitive Bacchiad. The cause which moved him to leave his country, is cleverly devised, and so is the story how he won general popularity; for it was necessary to account for a foreigner being freely chosen king.

* P. 109. See Dodwell's Tour through Greece II. 196.

Now should some one else conceive that the historical features may be detected behind the legendary mask, and that Tarquinius may be taken for a Tyrrhenian, born of an Etruscan woman in a marriage of disparagement, he might be able, among other presumptions in behalf of this, to adduce the introduction of Grecian worship and Greek representations of the gods into the Roman temples. I for my part hazard a very different conjecture, though in this respect it is almost allied to that which has just been suggested; a conjecture which may perhaps frighten even such as are not over-timid, more than any other opinion in contradiction to the received one: yet for me it has a probability that amounts to conviction.

The notion that Tarquinius was an Etruscan, arose, I conceive, merely because his name was deduced from that of the Etruscan city; so that he seemed moreover a suitable person for the Tuscan epoch of Rome to be referred to. Far from regarding Tarquinii as the birthplace of his race, I hold it to be of Latin origin.

The account which makes him and Collatinus members of nothing more than a single family, is disproved by the fact, the testimonies for which will be brought forward below*, that a whole Tarquinian house existed at Rome, which was banished along with the last king. We also find mention of Tarquins of Laurentum[852]: these may be supposed to have been exiles of that house: but even assuming this, yet the legend or tradition must have made them turn their steps thither, as it made Collatinus settle at Lavinium. When such a belief was current, assuredly Tarquinii was not looked upon as their home.

The Latin origin of the Tarquins is pointed out by the surname of the first king, in the same way in which the names of other patricians pointed out from what people they sprang[53]. For Priscus was certainly the name of

* Note 1076.

852 Dionysius v. 54.

53 Auruncus, Siculus, Tuscus, Sabinus. See above p. 256. Thus among the Mamilii Turinus, Vitulus. The name Priscus has the exact form and

a people just like Cascus; and after the very same manner did it acquire the meaning of primitive and old-fashioned: the *Prisci Latini* are the *Prisci et Latini*. The formulary for declaring war, which Livy has inserted under the reign of Ancus, is indeed to be deemed anything but a document of that age: it is taken however from the books of pontifical law, which went back much further than the Annals, and the writers of which according to their times were careful to observe the circumstances and relations of antiquity. In these books such an utter absurdity would never have been committed, as to draw up a formulary in which war is declared against the *old* Latins, for a time when Latin colonies were not even thought of: the phrase is altogether unexceptionable, to denote the united nation of the Priscans and Latins[854]. Supposing the house of Tarquinius to have sprung from one of the Tyrrhenian cities on the coast, this accounts for that worship of the Grecian gods at the Roman games, which in an Etruscan is quite incomprehensible.

Caia Cæcilia belongs to a legend concerning Tarquinius entirely different from that which became prevalent: in the latter Tanaquil comes to Rome with him and outlives him; it is not even pretended anywhere that she too changed her Etruscan name. Cæcilia had a statue in a temple; so intimately was she associated with the older tradition: and her name implies a connexion with Præneste, said to have been built by Cæculus[55], the hero after whom the Cæcilii were called. In this point the feigned Etruscan Tarquinius, the son of Damaratus, has not quite obliterated the traces of the Latin Priscus: the historians throw aside

character of the national names, Tuscus, Cascus, Opscus. The same is the meaning of Priscus as a surname of the Servilii, and as the original one of the censor Marcus Porcius, who was born in the land of the Sabines, descended from Latin ancestors. Plutarch Cato c. 1.

854 Like populus Romanus Quirites. Livy I. 32. Quarum rerum &c. condixit pater patratus populi Romani Quiritium patri patrato Priscorum Latinorum, hominibusque Priscis Latinis &c. See above p. 252.

55 Servius on Æn. VII. 681.

altogether, what they cannot bring into unison with their accounts.

Lucumo would have been just such a name for an Etruscan, as Patricius for a Roman. That no such ever occurred among the Tuscans, is a matter on which the gravestones, were it needed, might serve as witnesses: if the legends of the Romans give it to individuals, to the ally of Romulus, to the nobleman of Clusium *, and to Tarquinius, it is a proof how utterly uninformed they were on every thing that concerned a nation so close to them; a natural consequence of their not understanding a word of its language.

The greatest event in the story of Tarquinius Priscus, his subduing the whole of Etruria south of the Apennines, is entirely passed over by Cicero and Livy: but the triumphal Fasti shew that here too Dionysius followed Annals, the account in which had only been rejected as incredible by those Roman writers, and assuredly before Cicero by Polybius. And in truth one may openly pronounce it a clumsy device, that the twelve cities from Veii to Arretium, not one of which is represented as having even been besieged, much less taken, should be moved to submit to a master by the single battle at Eretum. At the same time this very union of Rome with Etruria may happen to be just one of the very few particles of historical truth belonging to those ages[856]: and if a single battle cannot have determined that nation to bow down to the majesty of Rome, what can in that case be the worth of the narrative which gives this explanation of the union? If Rome was the capital of an Etruscan king, with whom Tarquinius, from his name, was identified, and if it was embellished by that king with such works as could only be executed by the powers of a great nation, who is then our pledge that Rome did conquer Etruria? that it was

* Dionysius. II. 37. Livy v. 33.

856 Authors whom Strabo had read (v. p. 220. a.) also spake of Tarquinius as the benefactor, and doubtless as the ruler, of Etruria.

not a Tuscan who fixed his abode at Rome, in the centre of Etruria, Latium, and Sabina?

The legend that Servius Tullius was born in slavery, which was generally adopted even by such as did not believe the story of his marvellous conception, was no doubt occasioned by his name; or at least that seemed to establish its truth. But now most of the explanations attempted even by the Romans themselves of their ordinary names, are to the full as absurd as explanations of many among our own of commonest occurrence from Teutonic roots could possibly be: for the Roman are of Sabine or some other foreign origin, as even Varro, the most capricious of all etymologers, allows. If however here too we are disposed to concede what has no more than the bare appearance of possibility, and so to adopt the derivation given by Festus and Probus for the names *Manius* and *Lucius*, we may by following that analogy find a suitable meaning for *Servius* or *Seruius*; to wit from *sero*, a child born in the evening, like *Manius* from *mane*.

After all the most remarkable of the Roman kings, whose personal existence the history of the constitution cannot refuse to recognize, is still in all the narratives of our historians as much a mythological being as Romulus or Numa. Out of this region however he is transported by a document, which itself has been preserved to us in an extraordinary manner, and he is set in a historical light: only it is in a place where we should never have looked for him. And this is at the same time a decisive instance that the mythological stories about real personages have no reference to the facts of their lives, and that what may be deduced from them, so as to look like historical truth, is directly and absolutely false. For all the rest of the history of the Roman kings, we gain nothing beyond this negative result.

The most credulous adherents to what commonly passes for a history of the early ages of Rome, could not decline the challenge to abide by the decision of Etruscan histories,

if some strange good chance were to supply us with such in an intelligible language. For they must grant that Etruria had a far older literature than Rome; and that the earliest Roman writers can only have been contemporary with the later Etruscan. But now we do find an account of what these annals related about Servius, in the fragments of a speech made by the emperor Claudius on the admission of some Lugdunese Gauls into the senate; which have been preserved on two tables discovered at Lyons in the sixteenth century[857], and which since Lipsius have been often printed with the works of Tacitus, but probably have seldom met with a reader. And on this head the author of the Tyrrhenian history is a witness that may be fully depended upon.

He begins to recount from the origin of the city how often the form of the government had been changed, and that from the first even the royal dignity had been bestowed upon strangers. Then he says of Servius Tullius: according to our Annals he was the son of the captive Ocresia: but if we follow the Tuscans he was the most faithful follower of Cæles Vivenna[58], and shared in all his fortunes. At last, being overpowered from a variety of mischances, he quitted Etruria with the remains of the army that had served under Cæles, went to Rome, and occupied the Cælian hill, calling it so after his former commander. He exchanged his Tuscan name Mastarna for the Roman, obtained the kingly power, and wielded it to the great good of the state[59].

857 It may be found in Gruter, p. DII.

58 *Cæli* might seem to be the genitive of *Cælius;* but the impression does not exhibit a long *I*, and a lover of what was antiquated, such as Claudius, might also form the genitive of *Cæles* in this way, like *Persi*. The Etruscan gentile names ended in *na*, as the Roman did in *ius:* thus Cæcina, Spurinna, Perpenna, and here Vivenna and Mastarna.

59 Servius Tullius, si nostros sequimur, captiva natus Ocresia; si Tuscos, Cæli quondam Vivennæ sodalis fidelissimus, omnisque ejus casus comes: postquam varia fortuna exactus cum omnibus reliquiis Cæliani exercitus Etruria excessit, montem Cælium occupavit, et a duce suo Cælio ita appellitatus (write appellitavit,) mutatoque nomine, nam Tusce Mastarna ei nomen erat, ita appellatus est ut dixi, et regnum summa cum reip. utilitate optinuit.

Cælius or Cæles Vibenna, and the settling of his army at Rome on the hill called after his name, were indeed known to the Roman archeologers, and even mentioned in the Annals. They related that Cæles himself came to Rome: but under what king, was a point, as Tacitus observes[860], on which the statements varied greatly. He himself assumes that it was under Tarquinius Priscus: and in a mangled passage of Festus, where moreover Cæles and Vibenna appear as brothers, the same account seems to have been given[61]: on the other hand according to the same Festus in another place and to Dionysius and Varro[62], it happened under Romulus during the Sabine war: both statements represent him as having come to assist the Roman kings on their summons. Throughout, as in the Etruscan representation, he appears as the leader of a body of troops formed by himself and belonging to no state, not unlike the bands of the Condottieri, sometimes serving a master for hire, at others pillaging and exacting contributions on their own score. Levies raised by foreigners in Etruria, out of which such dangerous troops might easily arise, are several times spoken of, and that too in early ages*.

Now I have already remarked, that the Lucumo mentioned in the Sabine war is no other than Cæles transplanted into the age of Romulus[63]; and that they who make the Etruscan chief come to Rome so early, must have considered the Luceres as the inhabitants of the Cælian and as Tuscans. This trace leads us further; and, to shew at least the multiplicity of the legends,

860 Annal. IV. 65.

61 V. Tuscum Vicum: where we ought probably to read *secuti* for *secum*, if it were allowable to emend where the gaps cannot be filled up with certainty.

62 Fest. Epit. v. Coelius Mons. Dionysius II. 36. Varro de L. L. IV. 8. p. 14. I remark here by the way that the diphthong *oe* in the name of the hill and of the Etruscan commander as well as of the Roman family is throughout a mistake, and that we ought always to write *Cælius;* and besides, that the Florentine manuscript of Varro instead of *Coelio* has *Cæle*, which Victorius seems to have overlooked.

* Above p. 106, note 363.

63 Above p. 253. Dionysius II. 37. Compare Varro de *L.* L. IV. 9. p. 17.

it is exceedingly probable that in some other the supposed Lucumo Tarquinius was the same with this very Tuscan leader: in that case the reception of the minor houses of the Luceres corresponded with the settling of Cælius and his followers: and thus I also suspect that there was a connexion between the Roman legend of Tarquinius, the assumed supreme head of all Etruria, and the Etruscan of the conqueror Tarchon[864], the founder of Tarquinii, who was born with the wisdom and the white hairs of old age.

Here I take my stand and pause, convinced that, if from the hight a few points in the gray distance appear to be distinguishable, he who would descend to approach them, would forthwith lose sight of them, and, having no fixed point to steer by, would wander in his fruitless journey further and further from his course. In me there would be the extreme of inconsistency, did I wish to determine, as on a matter of historical research, who L. Tarquinius Priscus was, or how he acquired the Roman crown: the essential point is, that the period of the government represented under his name, even though he did not happen to be an Etruscan, be recognized as a period at which Rome was invested with Tuscan forms by a prince of Etruria, and became the great and splendid capital of a powerful state.

The Etruscan character of a part of the Roman religion, of the ceremonial and the pontifical law, confirmed by the practice, which continued down to a late age, for the Roman youths to study at the Tuscan source of oral tradition *; the like origin of many political institutions, even of the names of the ancient tribes, as we are assured by testimony which, so far as the knowledge of the witness could extend, is fully satisfactory [65]; and no less so that

864 Schol. Veron. on Æn. x. *Archon* and *Darchon* must however surely be blunders of the scribes. See Strabo v. p. 219. d: above p. 95. note 321.

* Above p. 100. note 337.

65 Volnius in Varro de L. L. iv. 9. p. 17. See above p. 111. note 375.

of the sciences known among the Romans before the introduction of Greek literature; all this has long since grounded a conviction that the Etruscans were a much more important constituent in the ancient Roman nation than is admitted, at least by the writers who are preserved. Accordingly, so soon as the Alban origin of Rome had been banished out of history, the first bent of thought was to assume an Etruscan colony in its stead. To go thus far, against all the authority of antiquity, was more than bold: but he who contends against rooted prejudices, digging to the bottom of them and resolved to upset their dominion, cannot possibly keep himself entirely free from exaggeration; he is led into it by the contemptible aspect which everything connected with the old errour wears in his eyes. Moderation can only come in after the victory is achieved: then is the time to look into the erroneous opinion which has ceased to prevail, for those features of truth which had been crusted over; and the restoration of this truth to honour, after it has been purified from what had made it worthless, is a delightful reward, to which an honest man very gladly makes a sacrifice of any hypothesis.

As such a reward I esteem the persuasion I have acquired, that the operation of Tuscan influence upon Rome, which the ancient historians implied in the goverment of the first L. Tarquinius, provided it be conceived to be of more importance and of another kind than they represent it, is enough to render all those circumstances intelligible: so that it is not necessary to deny the Latin stock of the first Romans. I have gained the conviction that, considering in what recent times Cære still appears under the character of the Pelasgic Agylla, the Tuscan conquest of that city, and consequently the advance of the Etruscans to the Tiber, and the possibility of their founding a colony at Rome, cannot go back into very remote ages; that before the Etruscans the Sabines were masters of these countries. The most important point would be the Tuscan

names of the tribes: but these may have been substituted in the room of earlier: besides who is our surety that Volnius was right?

Etruscan sway did at one time prevail at Rome; as it did beyond Rome, in the land of the Volscians[866], and in Campania: whether it be that one of the three nearer states conquered the city, or that the army of Cæles or some other such established itself there. The former notion, and the conjecture that Cære planted a colony at Rome, receive a great degree of probability from the franchise shared by and named after the inhabitants of Cære, and from the affinity between the religious worship of the two places. The citizens of such colonies as were properly Roman, had the franchise of Rome without a vote; and so far as it could have any sort of value for a Roman, he had the franchise of the colony. Had any such city, Antium for instance or Ostia, made itself independent, and grown powerful while Rome sank, and had that colony nevertheless retained its ancient institutions; in that case the right to such a franchise there might have been denominated the right of the Romans. In the same manner the origin of the Cærite franchise at Rome might be very well explained: the derivation of the word *cæremonia* from Cære has no little plausibility, slight as in such matters is the authority of the Roman grammarians who give it: and one must also be inclined to account in this way for the fact, that at the time of the Gallic invasion the sacred treasures belonging to the Roman state were conveyed for refuge to Cære *, instead of other places not more remote. Still all this is not enough for a proof. How much belonged to Agylla, and how much to Cære? and, in order to introduce Etruscan laws, a Tuscan ruler would summon priests and teachers from the nearest friendly city; and thus a permanent

866 Servius on Æn. XI. 567. 581. Gens Volscorum ipsa Etruscorum potestate regebatur: quod Cato plenissime executus est. See below note 1147.

* Livy v. 40.

connexion might be brought about between the Roman and Cærite priesthood: and as to a community of franchise, it is at times established even with a people wholly foreign. The close union with Latium, the centurial constitution common and peculiar to Rome and Latium, are surely more difficult to be reconciled with the hypothesis of an Etruscan colony, than with that of a very powerful action of Tuscan influence. If any pretend that he is able to decide in questions of such obscurity, let none listen to him*.

The Tuscan dominion at Rome is indiscernible in history, not only from the operation of the same general causes which have destroyed and perverted it, but because in times when written documents do not exist in an imperishable form, a people that has emancipated itself from a foreign yoke, seeks to blot out even the remembrance that it ever sighed in servitude. Thus after the revival of ancient literature Italian historians, ashamed of the barbarian sway, fabled that Narses had driven the Goths, Charlemagne the Lombards, out of the whole of Italy, and had restored their country to the Romans, purged of the stranger and of his laws.

The story of the death of Servius, which has lived for two thousand years, and will live as long as a recollection of the Roman kings endures, may be of about the same historical reality, as that the Tuscan chief Mastarna was the son of Ocrisia: Tullia's crimes may be no less imaginary than those of Lady Macbeth. But thus much is infallibly certain, that the laws of the man who called the commons to freedom, were for the most part rendered abortive: whether this counter-revolution of the patricians was effected by mere threats and the crafty usurpation of power, or was attended with bloodshed and atrocities, is nearly indifferent. The fact and its fruits

* To the understanding of the foregoing paragraphs it is requisite the reader should be aware that the author in his former edition inclined strongly to suppose Rome of Etruscan origin, and even started the conjecture that it might have been a colony from Cære.

are designated in the tradition as the reign of Tarquinius the tyrant.

On the other hand those wholesome laws, the perfecting of the state, and the completion of the city, which presuppose an earlier condition that may aptly be called the Romulean, shed glory over the reigns of the first Tarquinius and of Servius: the investigation of these points leads me back again to what is most essentially and with the surest certainty historical.

THE COMPLETION OF THE CITY OF ROME.

THE festival called Septimontium preserved the remembrance of a time when the Capitoline, Quirinal, and Viminal hills were not yet incorporated with Rome; but when the remainder of the city, to the extent afterward inclosed, with the exception of the Aventine, which was and continued a borough, by the wall of Servius, formed a united civic community[867]. It consisted of seven districts, which as such had each its own holidays and sacrifices even in the age of Tiberius[68]: Palatium, Velia, Cermalus[69], Cælius, Fagutal, Oppius, Cispius[70]. Not that every one of these places had a claim to be called a hill: one unquestionably, and perhaps a second, lay in the plain at the foot of a hill. Others were hights, which in later times were accounted to appertain to some

867 Varro, according to the Florentine MS. (IV. 5. p. 11.) considers Septimontium as the ancient name of the place where the city afterward arose: Ubi nunc est Roma Septimontium.

68 The members of these guilds must be the *montani* who appear in the declamation *Pro domo* 28 (74): nullum est in hac urbe collegium, nulli pagani, aut montani. This cannot possibly refer to the *plebs rustica*.

69 The spelling it with a C not a G is established by Festus, the Florentine MS. of Varro, and Plutarch (Romul. c. 3); the termination *us* not *um* by the epitome of Festus.

70 Festus v. Septimontium. Beside these he also mentions the Subura; that is, one district more than seven: this however was the *pagus sucusanus*, or belonged to it; hence the Suburans were *pagani*, not *montani*. They may have taken part in celebrating the Septimontium, from belonging to the liberties of Rome, not of Quirium.

neighbouring hill, as though forming a part of it, with the view of not reckoning up more than seven in Rome: for even in regard to this division, a form which had belonged to an early age and a petty state of things, was subsequently stretched by the Romans to fit a very enlarged state[871]. The Velia was the eminence which runs from the Palatine toward the Carinæ, the site of the temple of Peace and of that of Venus and Roma[72]: Oppius and Cispius are the two hills of the Esquiline: but the Cermalus is the ground at the foot of the Palatine, where the Lupercal and the Ficus Ruminalis were, and where, before the first Tarquinius, when the waters were high the surface was flooded from the Velabrum. Consequently it is likewise anything but necessary to consider the Fagutal as a hill: and since it is not credible that the wide and convenient plain between the Palatine and the Cælian, Septizonium and the Colosseum, which did not need draining like the lower levels, should have been occupied by no buildings and without a name, it seems to me most plausible to look for the Fagutal here[73].

These places, which had sprung up near one another, were not united by any ringwall. I have already marked out the line of the fortifications in the pomœrium of Romulus, and hinted that, on the further side of the Via del Colosseo, it abutted on the mound which protected the Carinæ[74]: in the valley beyond, under that mound, lay

871 Not only did the Romans never reckon more than seven hills, but when Augustus divided the city into regions, and that too altogether for practical purposes, he determined their number by doubling that of the oldest divisions. Christian Rome too was very early divided into seven regions.

72 For the Carinæ, as the older topographers unanimously perceived from the continuance of the name and from observation, was the neighbourhood of S. Pietro in Vincoli: and under Velia lay the temple of the Penates, in a street that led from the Carinæ to the Forum; perhaps San Cosma e Damiano.

73 The notion that the Fagutal was a part of the Esquiline, rests on the misinterpretation of a passage in Varro (IV. 8. p. 15.) which says nothing of the kind.

74 Above p. 247. Varro de L. L. IV. 8. p. 15. Subura sub muro terreo Carinarum.

Subura, then a village[875]. The Cispius and the Cælian, we must suppose, were fortified after the ancient Italian method, by steepening the sides of the hill; and, where the site did not allow of this, by a wall and ditch. The Aventine, lying insulated, admitted from its nature of being easily fortified.

The part which most needed defense, was the flat between the Palatine and the Cælian: nowhere else were there open plains. Here, as the ground abounded in landsprings, a moat running from the edge of the Aventine toward the neighbourhood of the Porta Capena, which itself supplied the earth for a wall, was the fortification that nature pointed out. For here I place the ditch of the Quirites, which is mentioned among the works of Ancus[76]: here alone can it be looked for by any one who brings before his mind what was then the state of the city, and not on the plain where the wall of Servius was afterward erected: for the Quirinal and Viminal did not yet form a part of Rome.

The establishing a local communication to unite Septimontium with the hills of Quirium on the one side, on the other with the Aventine, was the beginning of a new city. It commenced with the building of the Cloaca Maxima, which carried off the collected waters of the Velabrum, and which its founder made of such dimensions, that it could receive still larger affluxes. Without incroaching on the domain of Roman topography, history may record of this astonishing structure, that its innermost vault, forming a semicircle, is 18 Roman palms in width and in highth; that this is inclosed within a second, and this again within a third; that they are all formed

875 Varro in the same place: Subura, Junius scribit, ab eo quod fuerit *sub* antiqua *urbe*,—quod subest ei loco qui terreus murus vocatur. Sed ego a pago potius Sucusano dictum puto Sucusam. Pagus Sucusanus, quod *succurrit* Carinis.

76 Livy I. 33. Quiritium fossa, haud parvum munimentum a planioribus aditu locis.

of hewn blocks of *peperino*, $7\frac{1}{4}$ palms long, and $4\frac{1}{8}$ high, fixed together without cement. This river-like sewer discharges itself into the Tiber through a kind of gate in the quay; which is in the same style of architecture and must have been raised at the same time, inasmuch as it dams off the river from the Velabrum which has been rescued from it. It was only for the Velabrum and the valley of the Circus that this Cloaca sufficed: far more extensive structures were requisite, to convey into it the waters drained off from the land about the Forums and the Subura, together with what came down from the hills. And a vault no less astonishing than the one just described was discovered during the excavations in the year 1742[877], passing off from the Velabrum, under the Comitium and the Forum, as far as S. Adriano, 40 palms below the present surface; the locality shews evidently that it might be traced from thence under the Forum of Augustus[78] up to the Subura[79].

The part of it however then uncovered between the Fenili and S. Adriano must be of a much later age than the Cloaca in the Velabrum: for Ficoroni, an extremely estimable authority, mentions, only cursorily it is true—but he was an eyewitness and cannot have used a wrong word here—that it was built of *travertino:* and this material did not come into use until long after the time of the kings, who employed Alban or Gabine stone. It cannot indeed be questioned that even from the first there must have been a sewer from the Subura; else the Forum could never have been constructed: but this object might be attained, though not permanently, by

877 Ficoroni Vestigia di Roma p. 74, 75.

78 Which Hirt and Piale have recognized in what since Donati has been called the Forum of Nerva. The vault must pass under the Arco de' Pantani; that enormous wall can never have been built directly across it.

79 Of which express evidence is contained in the lines of Juvenal v. 104, 105.

Tiberinus——
Vernula riparum pinguis torrente cloaca,
Et solitus mediæ cryptam penetrare Suburæ.

means of such drains as are built at present. Dionysius relates from C. Acilius[880], who wrote after 570, that the censors once spent a thousand talents, near two hundred thousand pounds of our money, on improving the sewers: for sewers so built as those we now see, there would have been no need of laying out a single as. Earthquakes, the pressure of buildings, the neglect of fifteen hundred years, have not moved a stone out of its place; and for ten thousand years to come those vaults will stand uninjured as at this day. The substituting in the room of an imperfect structure which needed repairs, an indestructible one like that of Tarquinius, but executed with the stone which was then more highly prized, might require that sum, and yet, if carelessly related, might pass for nothing more than a reparation[81]. That the waters from the valley of the Circus likewise discharged themselves into the Cloaca Maxima, is a matter of course: it is also probable with regard to the waters from the Forums between the Capitoline and the river. On the other hand the drainage of the seventh and ninth regions forms a completely distinct system; and the notion that, in the name of the church *S. Ambrogio in maxima*, *cloaca* should be supplied, is utterly untenable[82].

Since the Esquiline already belonged to Septimontium, Livy's account that Servius Tullius built there and increased the population, but that the hills he united with the city were the Quirinal and Viminal[83], gives a much more correct view of the gradual progress with which changes are brought about, than the statement which includes

880 The Vatican MS gives Ἀκίλλιον instead of Ἀκύλιον. III. 67.

81 The period after the first Punic war, when the contribution of Carthage, amounting to above six hundred thousand pounds (Polyb. I. 63), flowed into the Roman treasury, is very probably the time at which this work was executed. The luxury of *travertino* can hardly be conceived to have prevailed earlier.

82 The right supplement is probably *porticu*.

83 Livy I. 44. Addit duos colles, Quirinalem, Viminalemque. Inde deinceps auget Esquilias, ibique ipse habitat. Only he ought also to have mentioned the Capitoline hill along with the other two.

that double hill among those first taken into the city by Servius. That only insulated villages stood in those days on the Oppius and Cispius, may be inferred, because in the distribution of the four regions of the city Subura and the Carinæ made part of the Cælian region, not of the Esquiline *.

In a military point of view the union of the whole city was effected by the erection of the wall. The connecting the Colline region with the Esquiline was so entirely dependent upon and the consequence of such a wall, that here again Livy, who following older accounts names Servius as the builder of it [884], proceeds with much more consistency than Dionysius and Pliny who ascribe it to Tarquinius the tyrant [85]. But with whatever name it may be associated, it was scarcely a less work than the Cloaca, and worthy to excite the astonishment of Pliny †, in whose time nevertheless the incalculable riches of the empire had built the Colosseum. This mound extended from the Colline to the Esquiline gate, seven stadiums or seven eighths of a mile: out of a moat above a hundred feet broad and thirty deep—for there is no stone here, only *puzzolana*—was raised a wall fifty feet wide, and consequently above sixty high, faced toward the moat with a skirting of flagstones, and flanked with towers. But the Colline gate was situate where the Quirinal had already

* Varro de L. L. IV. p. 15.

884 Aggere et fossis et muro circumdat urbem.

85 Strabo by no means speaks so distinctly in favour of Servius, as at first sight it seems. IV. p. 235. c. And the fancy that Dionysius knew the building of it to have been his work, only forgot to mention that the wall which he attributes to Tarquinius (IV. 54.) was a different one, could never have occurred except to Nardini, the corrupter of Roman topography, which before his time had been much better understood. If the city was left open or weakly fortified on this side, where the Quirinal and Viminal descend by a gentle slope into the plain, it made not the slightest difference whether the Gabines hit upon this weak spot as they came along the high road, or whether, to get to it, they were forced to cross the country for half a Roman mile to the right. In a Tuscan war, as the Tiber and Anio covered the city, such weakness was far less dangerous.

† H. N. III. 9.

THE SIX EQUESTRIAN CENTURIES.

THE increase of the senate, whereby the number of senators was raised to three hundred, is ascribed uniformly, with a single, and that too a doubtful, exception[893], to the first Tarquinius. On the other hand, there are great differences in the statements as to the number he introduced; with respect to which, and to my opinion that this increase was effected by the admission of the third class, it would be an idle repetition for me to speak again[94].

But the most difficult point in the whole earlier history of the constitution is the formation of the three new centuries attributed to the same king: an innovation which, in consonance to the spirit of such personifications, inasmuch as it confines itself to an extension of the constitution established by Romulus, is placed before the time of Servius Tullius; while it is later than the calling up of the Luceres into the senate, by which act that constitution received its complete developement. If the Ramnes, Tities, and Luceres, were centuries and tribes of the houses, and the troops of horsemen were only called so after the name of the tribe they belonged to; then the centuries formed by Tarquinius and named after the old ones, but as secondary to them, were likewise tribes of houses: and nothing less than the design of creating new centuries out of new houses, to stand alongside of the old ones, could

[893] That of Tacitus; with regard to which see the text to note 1086.

[94] Above, p. 257.

give occasion to the extreme violence with which Navius opposed him, and to the miracle wrought in support of it: a mere change in military arrangements would never have met with such unbending resistance, even from the most stiff-necked of augurs. Thus much is clear, that the sovran wished to form three new tribes of houses, partly out of his own retainers, partly from among the commons, and to name them after himself and his friends; so that there would now have been six of them: nor is it less clear that Attus Navius, acting in the spirit of the old citizens, withstood the king to the utmost, and even called in heaven to his aid. Was the prince who conceived this project, really Tarquinius? or was he an Etruscan? He who yielded to the resistance of the nation, certainly cannot be regarded as a conqueror. But in what sense are we to understand that he yielded? since he still formed those new centuries; which being united with the old ones under the name of the six *suffragia*, outlived the constitution of the classes such as it came from the hands of king Servius. Can the dispute have turned solely on the name? Yet when he purposed to create three new tribes, must he not have intended by their means to establish thirty new curies? this however did not take place: the original thirty continued to subsist alone and unchanged.

There are, as it seems to me, only two suppositions which can help to solve this enigma. It may be assumed that the original three hundred houses still existed in their full complement; and that the same number of new ones was either formed, or, if they already existed among the commons, was admitted into the body of burghers; so as to apportion ten new houses to every cury, the curies remaining as before, but, inasmuch as they were now doubled, only five curies instead of ten being reckoned to a century, which even so would still consist of a hundred houses.

It is much more probable however that, when the alteration was made, the original number of the houses

had long since fallen short: for every exclusive aristocracy, which does not replace such houses as become extinct, dies away; and that too with precipitous rapidity, if it be strict in insisting on the purity of descent on both sides; so that it must sink into an oppressive and hateful oligarchy[895]. Now supposing that some half of the houses were become extinct, that every cury on an average no longer contained more than five, if the remainder were collected together into about half the number of the original curies, and the curies become vacant, say fifteen, were filled with newly adopted houses, then the ancient proportion of ten houses to a cury was preserved unaltered.

And this latter hypothesis is confirmed, almost decisively, by the statement that Tarquinius doubled the senate, raising the number from 150 to 300; just as the doubling the cavalry and the centuries is ascribed to him. Only here two changes are confounded together, between which a considerable interval must probably have elapsed. If every house had a member to represent it, in that case the senate of the first two estates, when many houses had become extinct, was no longer two hundred in number; and the third estate also will have been unable to depute a hundred senators, long before the privilege of sending

[895] Let a comparison be made between lists of the families of freeholders in any German province several hundred years ago and at present. Formerly they were a considerable part of the whole free rustic population: how many in a hundred are there now in the same province, where a part of the gaps has not been filled up by families of strangers settling amongst them, or by the rise of new families from among the old inhabitants? And after all no more than a small part has been filled up. Among the ancients in the common course of things a replenishment of this sort was impossible.

There are oligarchs who regard the share of the aristocracy in the administration of government as a *tontine*, where the total property belonging to the survivors continues unchanged, and every individual finds himself all the better off, the more of his comrades have died away.

In Zealand the nobles were become wholly extinct; in Holland they were so within four or five families; the free peasantry in northern Holland were not admitted into the states: hence the towns of necessity acquired exclusive possession of the government.

members to the council was granted to it. The calling up of the Luceres therefore would be far from raising the senate to three hundred, as it would have done if the complement of houses had been full: and, without weighing the numbers in a jeweller's scales, we may combine the two statements, which represent the senate, the one as having been increased by a hundred, the other as having been doubled: the former being effected by filling up the vacancies in the original design, the latter by the creation of the three new centuries. The former must be conceived to have been the earlier, but the second too must have preceded the legislation of Servius.

Ingenuity might be thrown away in considering, whether the new equestrian centuries were not more likely to be called the minor, than those of the third estate. In such dim twilight all appearances are deceitful: I rather incline however to believe that each of the additional centuries shared in the honours of its elder namesake, because the colleges of priests continued to be filled exclusively from the two superior estates, both having two representatives corresponding to its two centuries: thus all the six centuries were represented by the six Vestals *.

Instances are not arguments, but in history are scarcely of less force; above all, where the parallel they exhibit is in the progressive developement of institutions. The following account records the history of a constitution consisting of curies and houses, and must make it manifest that the changes and developements pointed out in the foregoing remarks, are not arbitrarily devised: and since the place where this constitution existed, is in the highest degree ancient classical ground, the narrative is also by no means alien to this work.

It was a pleasing thought of the Neapolitan jurists, that the *seggj* of their native city had arisen out of the Greek phratries: and if it was a delusion to derive the old

* See above, p. 258.

and perplexing name of those bodies, *tocchj*, from the Greek Θῶκοι, it is hard to keep oneself from being led astray by it. At all events however that derivation must not pass for more than a venerable reminiscence: for substantially all we can expect to find in Naples under its dukes, as in the other free cities dependent upon the Roman throne at Constantinople, is a constitution arising out of the municipal institutions of the western empire, an *Ordo* and *Possessores*. These proprietaries, whose nobility was of the same sort as the εὐγένεια of the Greeks, consisting in hereditary birth and hereditary wealth, were registered according to their lineage in *tocchj*, which were connected with particular districts of the city, and were of two kinds. The great *tocchj* according to the earliest mention of them were four in number, to which two were afterward added: how many there were of the lesser cannot be determined, since they are only spoken of incidentally. The former may be compared to the tribes, the latter to the curies; with this difference, about which there can be no question, that both were open for the reception of new citizens. The name of *tocchj* was the ancient one for their places of assemblage, their curies; but under the kings of the house of Anjou they obtained the name of *seggj*.

These kings, who grounded their usurpation systematically on feudality and a military nobless, changed the character of the Neapolitan citizens, by being very ready to dub the well-born or even the merely rich among them knights: and since the foreign nobles who resided in the capital, procured their enrolment in the *seggj*, the consequence was, that, at the time when everywhere else the power of the noble houses was sinking in the towns, at Naples an aristocracy of houses was introduced. The newly admitted citizens must have entered immediately into the great *seggj*: for the lesser all gradually disappear; because, as is expressly stated, the few families left in them became extinct.

Thus only the six great *seggj* remained: and these by the union of two were reduced to five; probably with a view of giving the vacated one to the commonalty, against which the tribes on becoming noble had been shut; and which in this country could not succeed in establishing anything like corporate institutions, while the kings needed its assistance in their contests with their turbulent nobility.

The five noble *seggj* were not absolutely closed; but the reception even of noblemen into them was so obstructed, that the number of families in them continually lessened; while there was a continual increase of the nobles who resided in the city without being admitted among their members, and yet who were superior to many of them in rank and honours. This is the parallel to the state of things I conceive to have existed at Rome, when the reformer, who with us goes by the name of Tarquinius Priscus, was desirous of forming new tribes. The last-mentioned families made interest with the Spanish kings that they would vouchsafe to erect a new *seggio:* wretched and mean as were the privileges of a Neapolitan patrician, still the jealousy of the oligarchy opposed their reasonable request, and was just as little willing to receive them and distribute them among the existing *seggj**. But in course of time it gave way in single exceptions; and thus things went on, until the revolutionary government of 1799 got rid of the *seggj* and *eletti*, and the restored one availed itself of this riddance, no less than of that of every other corporate institution which presented even the shadow of a limit to its arbitrary will, as of so much gain to itself. And indeed this municipal constitution had long since become so worthless and open to abuse, nay even mischievous, that neither did its venerable origin excite interest at the time of its abolition, nor is its loss now felt.

* Giannone xx. 4.

Every person had a vote in a *seggio*, who belonged to any patrician family enrolled in it, wherever he might be resident; and in fact this institution was far more a representation of the barons of the whole kingdom, than of the citizens, or even the nobless of the city.

Had Naples been the capital of Campania alone; had its constitution lived and grown, enlarged and completed itself, in that case the *ottine* of the people would have become plebeian tribes, as at Rome the commons obtained a constitution, and thereby multiplied the vital energies of the republic.

THE COMMONALTY, AND THE PLEBEIAN TRIBES.

In every state the constitution of which was grounded on a certain number of houses, a commonalty[896] grew up or subsisted by the side of the burghers or of the freeholders. They who belonged to this commonalty, were not only recognized as freemen, but also as fellow-countrymen: they received like succour against foreigners, were under the protection of the laws, might acquire real property, had their motes for making by-laws and their courts, were bound to serve in time of war, but were excluded from the government, which was confined to the houses[97].

The origin of the commonalty, though exceedingly various, in cities mostly coincides with that of the rights of the pale-burghers; of the dwellers within the pale or the *contado*[98]: but it increased in extent and still more so in importance, when a city acquired a domain, a *distretto*, containing towns and a variety of small places. Among the ancients, the inhabitants of such a domain were sometimes taken in a body under the protection of the law and admitted to the rights of freemen; more frequently this was done in the case of such as removed

896 *Il commune.* When a number of such commonalties exist in a larger state, along with the ruling part of the nation, they are *les communes*, *the commons*.

97 This was also the condition of the proselytes of righteousness in Judea. Those of the gate answered to the metics.

98 Like the English *pale* in Ireland, before James the First. In Germany they were called *pfahlbürger*, *pale-burghers*, which in French was distorted into *fauxbourgeois*.

thence into the city: these were persons of very different rank, gentle and simple. In like manner freemen out of such foreign places as were connected by a community of civic or national law, and bondmen who freed themselves with the consent of their lords, were received into the commonalty: so that, extremely various as was its composition, its name was fully justified by its nature.

Now since among the ancients civic trades and commerce were in low repute, while agriculture was in the highest; whereas during the middle ages the scale of their estimation was directly reversed; it came to pass that in the former period the commonalty was often made up of the inhabitants of the domain; in the latter on the other hand the neighbouring country was seldom admitted to a fellowship of rights, but within the walls there grew up a commonalty of manufacturers and tradesmen of all sorts. These were impelled by a feeling of their necessities to unite in companies, which in consequence of their local compression developed such a force as was not to be found among the rural population: but their peculiar nature gave to the revolutions, by which the commons gained the upper hand in the middle ages, an entirely different character from that of those whereby the demus or the plebs among the ancients acquired freedom, and afterward the superiority in the state; the consequences too were entirely different. The government of the traders and manufacturers made the free cities unwarlike; that of the countrypeople made them bold and firm.

As opposed to the houses, the demus, the plebs, and the commonalty are the same thing, and of the same kind: in order however to form a picture of what the plebeians were, and of the station they occupied alongside of the citizens, let the reader conceive,—out of many instances to take one that may be easily comprehended,—the territory of Zurich, before the change which brought the government into the hands of the guilds, equalling the present canton in extent, and constituting, with its nobles,

its free peasantry, and its countrytowns, a compact whole, inseparably attached to the city, in such a manner that the houses should have formed one part of the state, while the freemen belonging to the commonalty in the city were united into one body with the inhabitants of the country *.

Still this difference between a civic and a rustic commonalty does not change the parallel which exists in the history of the free constitutions during the two golden ages of cities. In both ages it is the history of the conflict between the privileged houses and the commonalty: the latter, feeling that it is come of age and ripe for a constitution and a share in the government, (ἰσηγορία); the former, striving to keep it in subjection and in servitude. The struggle was unequal; for a spreading growing power encountered one that was hemmed in and dwindling away: nor has anything but the prudent use made of some accidental advantage obtained by open force, or of some calamity, turned the scale against the commonalty, wherever this has been the result. Such a victory of the privileged houses was the worst thing that could happen; for then they always degenerated; and beneath their unlimited power the commonwealth went morally and politically to decay, as has been experienced at Nurenberg. Where the contest came to an amicable adjustment, by a compact and the establishment of a balance, there happy times followed; which might have been of long continuance, if the endeavour of the aristocracy had been to renovate and thus to prolong its existence; whereas when it contracted itself and shrivelled up into an oligarchy, it became impotent when opposed to the buoyant activity of life. Often the conflict was waged with

* See Müller's History of Switzerland Book II. chap. 2. The reader may find much light thrown on these interesting questions in the third volume of Hüllmann's *Geschichte des Ursprungs der Stände in Deutschland;* in Eichhorn's *Deutsche Staats und Rechtsgeschichte*, especially in sections 310—313, 431—434; and in a dissertation on the origin of the constitutions of the German towns by the same Eichhorn in the first and second volumes of Savigny's *Zeitschrift für geschichtliche Rechtswissenschaft.*

great ferocity, where unbending arrogance would not make room for the rights of the power that was coming into being[899], nay that already existed; and even rose the higher in its pretensions, the more it ought to have repressed itself. Frequently on the other hand the houses yielded almost without resistance: thus in the thirteenth and fourteenth centuries the constitutions of many Italian and German towns were changed with mutual good-will, after the precedent set by some of the great cities.

The government of the privileged houses, while they are still numerous, and in reality the most powerful purest and noblest part of the community, is the original idea of an aristocracy: the predominance of the commonalty is what at first was denoted by the name of democracy: the primitive simple meaning of the two words had in later times fallen into oblivion; and it was then attempted to define them from some of their accidental properties. Aristocracies in the genuine ancient sense were in Aristotle's time hardly to be found, here and there one: such as had been so, had shrunk up, and had now long since become oligarchies: a far smaller number was exercising the same power as their ancestors had exercised, against the commonalty which was now greatly more numerous and worthy of consideration; and in proportion as the latter felt its dignity and its rights, and the disparity became palpable, the power was exercised distrustfully, rancorously, with the set purpose of stifling what was growing up. When legislators however wished to escape from a democracy, such as it was then understood to be, they, like those of our time, knew not how to find any other expedient than to take property for a standard; a measure, which the philosophers judged to be utterly condemnable and oligarchal. The union of an aristocracy still in full vigour with a commonalty was by them esteemed the most just and wholesome constitution: this they called a polity, the Italians in the middle ages *popolo*.

899 *Das Recht des Werdenden* it has been called by a Swiss writer.

But the great difficulty in human institutions is to ward off the approach of numbness and of decay. Usually even a polity, where it has been established, nay oftentimes a complete democracy, has so fenced itself in, that out of new elements there sprang up beside it a body of freemen appertaining to the commonwealth; which body was essentially a commonalty, just as much so as those who had attained to an equality of rights; only it did not bear the name; a body of free peasants or handicraftsmen, who were kept in the background, and whose exclusion, if they became considerable in strength, was quite as injurious to the state, at all events quite as unjust, as that of the others. The most signal and important example of this is exhibited by the later ages of republican Rome: it perished from a stoppage in that developement of its political system, which by the admission and elevation of the commonalty had made the state powerful and glorious. Instances on a smaller scale may be found wherever a new territory was acquired: the Bœotian districts which had made a transfer of themselves to the Athenians, enjoyed the advantages resulting from a community of laws; but their citizens were not citizens of Athens: the territories of the Swiss towns had a like claim to civic rights as the guilds had had some centuries before: and in my native Ditmarsh the Strandmen, whom the archbishopric of Bremen made over to the republic, when the aristocracy of the houses had ceased to exist, were a commonalty; which had no voice in the assembly, and no privileged houses.

The demus in Attica, as Solon found it, was a commonalty formed by the inhabitants of the country, distributed no doubt and ranged even then into demes or wards[900]; contradistinguished from the houses: the parties into which it split, and which the eupatrids drew to engage in their feuds, corresponded to the local character of the land.

[900] In the fragment of the laws of Solon, l. 4. D. de collegiis (XLVII. 22.), δῆμος is spoken of as a corporation.

The members of these demes were those among the posterity of the ancient Atticans who had continued free, and had not been degraded into thetes, either by violence at the Ionian immigration, or subsequently by distress and the sale of their own persons. In the constitution of Clisthenes this demus was already become predominant in the state.

How the Roman commonalty, the plebs, originated, is visible in the traditions which represent all the conquests before the time of Servius Tullius to have been of such a kind, that many places were converted into colonies, others destroyed and their inhabitants carried to Rome; where they, as well as the citizens of the former, received the Roman franchise[901]. The names we find of these places rest on no sufficient authority, nor can it be any thing but an accident, that they are every one of them Latin: whatever stock these new members of the state may have belonged to, their collective body formed a commonalty. Their franchise resembled that which in after times was citizenship without a vote; for a vote could only be given in the curies: but their condition was worse; they had no right of intermarriage, and all their relations with the patricians were uniformly to their prejudice. Nevertheless these new citizens, scantily as they were endowed with rights, were not made up then, anymore than in later times, merely of the lower orders: the nobles of the conquered cities were to be found among them; as subsequently the Mamilii, the Papii, the Cilnii, the Cæcinæ, were all plebeians.

[901] This state of things was not unknown to Dionysius; only he saw it in the Annals through a mist and in a wrong place; to wit, after Romulus, in the feud between the Ramnes and Tities: II. 62. Hence he there makes a distinction among the patricians between the *κτίσαντες τὴν πόλιν* and the *ἔποικοι*: saying however at the same time, that among the demus many of those who had been recently received into the nation, that is, the inhabitants of the conquered towns on whom Romulus had conferred the Roman franchise, were discontented because they had received no land. Here we see the plebs, vainly demanding its share of the *ager publicus*, and what was its origin.

Now that the plebeian commonalty arose out of the freemen thus incorporated with the state, is sufficiently manifested by the traditional fact that Ancus assigned habitations on the Aventine to the Latins from the towns which had been destroyed; for this hill was afterward the site of what was peculiarly the plebeian city. Not indeed that we can possibly believe the kings to have amassed at Rome an enormous population incapable of cultivating its remote estates. Unquestionably the main part stayed in their home: but the towns ceased to be corporations. Their territory, if the place had been taken by storm, or had surrendered unconditionally, had according to the Italian law of nations become national domain: a part continued public property, and was turned to account by the patricians for themselves and their vassals: a part fell to the share of the crown: the rest was parcelled out and assigned by the kings to the old proprietors, in their new capacity of Romans. Often the confiscation may not have gone beyond the public domain.

I will merely suggest the notion, leaving it to rest on its own merits, that, as at one time, in a much later age, the collective plebeian order recognized M. Manlius as its patron, so the kings at its first beginning were the patrons of the commonalty. But it is one of the grossest errours, which in its application leads us to frame the most unjust judgements, to suppose that the plebeians proceeded from the clients of the patricians, and consequently must have been insurgent hereditary bondmen. That the clients were wholly strangers to the plebeian commonalty, that they did not coalesce with it until late, when the bond of servitude had been loosened, partly from the houses of their patrons dying off or sinking into decay, partly from the general advance toward freedom, will be proved hereafter in this history: and the most decisive expressions will be quoted from the same Dionysius, who, though it is true he has distinctly conceived that erroneous notion, yet in his details copies Roman annals, which had not lost the

correct view of the relation *. Certain as this is, it is no less so that, whatever may have been the form of the connexion between the commonalty and the kings, it found protection from them against the oligarchy[902]: assuredly the kings could not fail to perceive that the plebeians in a continually increasing proportion formed the main part of their military force; that on them all the hopes of the future rested; that the only way for Rome to become great and to continue so, was, for its laws to sanction and favour the growth of a great Roman people out of every people of Italy.

The natural division of a rural commonalty was according to regions; and such a division we find as well at Rome as in Attica[3]. In its principle, like the division of the houses, it was adapted to the state of things already existing; but in like manner it did not collect the elementary parts such as it found them one beside the other, as chance had determined their number and variety, but portioned out the whole into a fixed number of parts; in some of which perhaps such lines of demarcation as before subsisted might be preserved unchanged, but the majority must have acquired a new form during the process of separation and union. When Clisthenes divided the people of Attica into a hundred demes[4], it is evident that he proceeded in this way: demes he found already there, but this number cannot have been the work of chance: Servius, who distributed the Roman plebs into a determinate number of

* See below notes 1229—1239.

902 As the statholders protected the citizens in the Dutch towns against the oligarchal magistracy.

3 φυλαὶ τοπικαί: see above note 733. p. 262. Lælius Felix in Gellius xv. 27. comitia tributa esse cum ex regionibus et locis suffragium feratur.

4 Herodotus v. 69: a statement, which is not to be relied on the less from the occurrence of more names in after times. For in the first place nothing hindered the formation of fresh ones, by subdivision or by the incorporation of new districts: next, the lexicographers assuredly often call that a deme which was in fact a house: and lastly at Athens too it was only in the course of time that the patricians were received into the tribes when many houses may perhaps have entered in their corporate capacity, and have formed entire demes.

tribes, assuredly did not bind himself to an observance of such relations as previously existed, the remains of which can only have continued to endure in some of the *pagi*. In process of time however, as has been remarked above, this local distribution converted itself into a hereditary one according to families[905]: for he that removed from Acharnæ to Rhamnus, continued, as did his posterity to all ages, an Acharnian, belonging to the phyle of Oeneis. Only doubtless at Athens it was not impossible, on shewing valid grounds for such an application, to be transferred into a different phyle: the Roman censors too, who at least in the later times of the republic often changed the tribe of a citizen at discretion, must always have had the power of attending to applications for transfers of this sort, when they were made with regard to tribes enjoying an equality of rights. But it was an incomparably more important distinction of these local tribes, that they were not closed against new members; that, when an inferior franchise rose up in the place they had previously occupied, everybody who appeared to deserve it, and whole districts, were

[905] See pp. 263. 264. In modern history I know no instance of the kind in a democracy, except in the canton of Schweitz, where, until the revolution, the sovran estatesmen were divided into six quarters, four of them original, and two additional. These quarters had local names; but it was not the dweller in a place, for instance in Arth, that belonged to the quarter of Arth; but he whose ancestors had been registered there. *Fäsis Erdbeschreibung* vol. II. p. 245. This order of things must now have been re-established in substance, though modified in its application, because that part of the population of the canton which was formerly dependent, must have been admitted into the quarters. In an aristocratical constitution, the *Seggj* at Naples described above unquestionably furnish a like example: and the same principle must have prevailed with regard to the noble houses in the towns of Lombardy and Tuscany, which were registered according to their quarters, if members of them, left their hereditary strongholds, which however doubtless happened but seldom. He who pursues the inquiry into the history of the constitutions during the middle ages, must not overlook the intimation contained in the circumstance, which assuredly is not a matter of chance, that in Schweitz the estatesmen, at Florence, and even at Naples, the burghers, were at first divided into four parts; to which afterward, in the former case owing to the enlargement of the territory, in the latter to that of the city, two others were added; like the third tribe at Rome. Ditmarsh too was divided into four *Dæffte*: the Strandmen never formed one.

raised from this and admitted into the plebeian tribes, and even patricians could enter into them.

Every local tribe had a region corresponding to it[906]; and all the free substantial members of the Roman state, not included in the houses, who were dwelling within the limits of any region when the constitution was introduced, were registered as its tribesmen. The region bore the name of the tribe[7]; both in the city, and in the country. In the former, until Augustus divided the enlarged city suitably to the exigencies of his time into a greater number of regions, the four Servian were retained: they answered to the four civic tribes, which afterward fell into disrepute: and with regard to these there is no difference of opinion. As to the number of regions however into which the Roman territory was parcelled out at the establishment of the plebeian estate, and consequently as to the number of plebeian tribes originally instituted, Dionysius found statements totally contradictory to each other: and Livy must have held the difficulty to be so inexplicable, that he confined himself to the mention of the civic tribes, and that too in such a manner, as if none but these had been established by Servius. When he found in the Annals for the year 259, and himself wrote down, that the tribes had now been raised to one and twenty, he probably assumed, if he bethought himself of earlier times, that Servius had divided the Roman territory into sixteen regions.

A better informed person had before his time left this point equally undetermined; even Cato himself: and the cause of his doing so is plainly, that a greater number than twenty seemed irreconcilable with that of the year 259, which was placed beyond dispute by the subsequent gradual increase; while his good sense and his honesty

906 See the passage of Laelius Felix quoted in note 902; and that of Varro in note 909.

7 Livy xxvi. 9. In Pupiniam dimisso exercitu. See also Festus when explaining the names of the tribes.

would not allow him to set up the number twenty, in direct opposition to the older Annals, and doubtless also to the books of the augurs and pontiffs. How the tribes were augmented from twenty upward, might be found related everywhere; and Vennonius, who ascribed the establishment of the whole five and thirty to Servius, is scarcely known, and betrays unparallelled ignorance and carelessness.

But Dionysius quotes a statement of Fabius, that Servius had divided the Roman territory into six and twenty regions; so that with the four civic ones there would have been thirty regions and as many tribes[908]: and that this singular account in Dionysius may be depended upon, is attested by a fragment of Varro, wherein some person, not named, is said to have apportioned land about the city to the free citizens in six and twenty regions[9]; which surely can only be referred to Servius Tullius and his tribes. Now no one will fail to perceive

[908] The passage of Dionysius (IV. 15.) is so important and in such complete disorder, that I will transcribe it as it should be restored, and at the same time will justify my correction of it: Διεῖλε δὲ καὶ τὴν χώραν ἅπασαν, ὡς μὲν Φάβιός φησιν εἰς μοίρας ἓξ καὶ εἴκοσιν, ἃς καὶ αὐτὰς καλεῖ φυλὰς, καὶ τὰς ἀστικὰς προστιθεὶς αὐταῖς τέτταρας, τριάκοντα φυλὰς ἐπὶ Τυλλίου τὰς πάσας γενέσθαι λέγει· ὡς δὲ Οὐεννώνιος ἱστόρηκεν, εἰς μίαν καὶ τριάκοντα φυλάς· ὥστε σὺν ταῖς κατὰ πόλιν οὔσαις ἐκπεπληρῶσθαι τὰς ἔτι καὶ εἰς ἡμᾶς ὑπαρχούσας τριάκοντα καὶ πέντε φυλάς. Κάτων μέντοι, τούτων ἀμφοτέρων ἀξιοπιστότερος ὢν, οὐχ ὁρίζει τῶν μοιρῶν τόν ἀριθμόν. Instead of copying the passage from the printed text for the reader to compare the two, I may refer him to it, and need only remark, that the addition, which is probably contained in all the manuscripts, has been inserted; that the change is confined to transposition, except the omission of καὶ before τριάκοντα. The emendation of Sigonius transposes two clauses; mine in fact only a single one: and his would force us to substitute λέγων for λέγει. The whole corruption arose from the words Κατ. μ. τ. ἀμφ. having been forgotten, and then added in the margin; but as his would not hold the four words, the last was written above the other three: the next scribe who put the passage again into the text, but in the wrong place, thought ἀμφοτέρων was to stand first.

[9] Varro de vita pop. Rom. I. p. 240. from Nonius Marcellus c. I. v. viritim. Extra urbem in regiones XXVI agros viritim liberis attribuit.

that the number of thirty plebeian tribes has a striking internal probability; because the patricians and the Latins, between whom the plebs stood in the middle uniting the two, were both divided into thirty corporations: nay the probability is so great, that, if no statement of the kind were preserved, and we were only left without anything that contradicted this number, analogy would lead us to take it positively for granted. The sole difficulty is, that, before the admission of the Claudian or Crustumine tribe, the number extant was less by ten.

This perplexity may be solved by considering that there was an essential and necessary correspondence between the regions and the tribes: and as the registering of landed property or the assignment of it within any district formed the groundwork of a local tribe; as voting by regions was synonymous with voting by plebeian tribes; so likewise a tribe must have failed, when the state was compelled to cede the region that was its basis. The Eleans had twelve phyles: they lost a part of their territory to the Arcadians, along with the demes comprehended in it, so that they retained only eight phyles[910]. That Rome in the peace with Porsenna was forced to cede the territory on the Etruscan bank of the Tiber, is acknowledged: I shall shew how utterly destitute of historical foundation is the tale that this territory was given back by an act of romantic generosity. But now it happens very frequently both in the legends of the oldest times and in the more genuine history of Rome, that a conqueror takes from a vanquished people a third part of their territory: if Porsenna adopted this very measure toward Rome, it accounts for an exact third of

910 Pausanias Eliac. I. c. ix. These local tribes in Elis are an instance how the country population grew to form a commonalty, and how the commonalty united with the citizens into one people. In the Peloponnesian war the city of Elis was still the sovran, and the neighbouring country was in a state of dependence. It is also remarkable enough, that afterward, and that too just at the time of the greatest distress, the senseless oligarchs endeavoured again to wrest from the inhabitants of the country the rights which had been conceded to them,

the original tribes disappearing[911]. Had the Annals admitted this diminution, the humiliation and fall of Rome would have been manifest in its whole extent; the empty fable of the rapidity with which it recovered from its misfortune, would have been laid bare[12].

It may excite our surprise, that these tribes do not correspond in number with the tribes of the patricians, but with their subdivisions, the curies: this induces a question, whether their name was not originally a different one, and whether every ten of them did not make up a plebeian tribe; so that in the beginning there would be three such, which were subsequently reduced to two. It is in favour of this conjecture, that at the Crustumine secession the commonalty was directed by two tribunes; and that afterward, when the consular power was transferred to military tribunes chosen out of the two orders, their established number seems properly to have been six, three for the patricians according to their

[911] See below notes 1025. 1139. 1146. Those who lost their property in consequence, will have been admitted into other tribes, if they removed to Rome: if they stayed on their land, they became estranged from Rome and clients to the new lords of the soil: as the Irish became farmers of the estates which had belonged to their forefathers.

[12] It will not be a waste of labour, to determine what were the twenty tribes that remained out of the original thirty. The four civic were according to their order, the Suburan, the Esquiline, the Colline, the Palatine: the sixteen rustic arranged alphabetically were the Æmilian, Camilian, Cluentian, Cornelian, Crustumine, Fabian, Galerian, Horatian, Lemonian, Menenian, Papirian, Pupinian, Romilian, Sergian, Veturian, Voltinian. I have enumerated the Crustumine, with the rest, because it was older than all established after 259: it is remarkable, that this is the only one of all the rustic tribes in the list the name of which comes from a place, as well as that the termination of the name is different from that of all the others. I will therefore here anticipate the conjecture that either the Crustumine or the Claudian came into the place of a Tarquinian tribe, which, like the gens, was done away with: probably it was the one-and-twentieth. (See notes 1161, 1162). The Pollian is without doubt the same with the Publilian, one of the more recent tribes, as *mollia* and *moblia* are the same —oscilla ex alta suspendunt *mollia* pinu: pilentis matres in *mollibus*—otherwise there were thirty-six instead of thirty-five. The Velentine rests only on a corrupt reading, which has now been expunged on the authority of the good manuscripts, in the speech pro Plancio 16(38), where the right word is *Ufentina*.

tribes, and three likewise for the plebeians. But in this latter case the intention might only be, that, the number of the patricians being given, they should have an equal number of plebeian colleagues: and in the former, since twenty were too many to guide a people in insurrection, as well as for taking prudent counsel, each decury of the tribunes might depute one; indeed why should not they, like those of the senators, have had each a leader, who came forward on such occasions? And in fact it is recorded that the plebs at the second secession had twenty tribunes in two decuries, who agreed among themselves about naming two chiefs[913]. The curies, since theirs were the votes which were told in the assembly*, had reduced the tribes of Romulus to insignificance; and among the Latins also no trace is to be met with of any division which stood higher in the scale than that into thirty towns.

A phyle cannot be conceived without a phylarch, a tribe without a tribune: and if Dionysius is speaking only of the civic tribes, when he says that Servius appointed a tribune over each, who was to inspect the state of every household, and that troops and taxes were levied according to this division[14], his reason for the limitation is only that he knew not what to make of the rustic tribes. This office of inspecting, making inquiries, and reporting, was repugnant to the spirit of later ages, which, as the peculiarities of character were become more varied, needed and demanded a larger scope of freedom: but it was only these attributes of the tribunes that became extinct; and the *tribuni ærarii* who lasted until the

913 Livy III. 51. Decem numero tribunos militares (this is an accidental mistake) creant in Aventino—Icilius eumdem numerum ab suis creandum curat—Viginti tribunis militum negotium dederunt, ut ex suo numero duos crearent.

* Above p. 285.

14 Dionysius IV. 14. Ἡγέμονας ἐφ' ἑκάστης ἀποδείξας, ὥσπερ φυλάρχους, οἷς προσέταξεν εἰδέναι ποίαν οἰκίαν ἕκαστος οἰκεῖ.

end of the republic, seem to have been nothing else than their successors. Ever since the Roman people had been exempted from all contributions, the principal part of the business of the collectors had also come to an end: but they continued to exist and to have an oath administered to them, and were called by the Aurelian law to the exercise of judicial functions, as representing the body of the most respectable citizens *.

That these tribes at first contained only the plebeians, that the patricians and their clients were not enrolled in them till much later, will be made to appear in the sequel of this history. For the present I remind the reader that the meeting of the tribes was the dominion of the tribunes of the people; that it was never summoned by a patrician magistrate; that, when it assembled, the patricians and clients were obliged to withdraw from the forum: that the centuries were an institution to mediate between the two bodies and to unite them, and as such would but for this have been needless. I grant, it is said that the Claudian tribe was formed by the clients of that house: but in the first place this is very far from certain; and besides it would not have been a greater deviation from the regular principle, than it was to receive the Claudii among the patricians, that is, into the three tribes, instead of the exiled house of the Tarquins. The formation of that tribe may have been by way of a trial, whether the ten that were extinct could not be gradually replaced by new ones formed out of the clientry †.

I will here meet an objection, which might be raised, at least some time or other hereafter, by a vigilant observer. So long as it was not questioned that these tribes were a general division of the whole nation, as those of Romulus were also supposed to have been previously; nor moreover that the houses were families in

* See Duker on the Epitome of Livy XCVII.

† See note 1161.

the common sense of the word; every one who was struck by perceiving that some of the tribes bore the well-known names of the most eminent patrician houses, the Æmilian, Cornelian, Fabian, thought no doubt that this must be owing to their having had the honour of containing such a house along with its clients. To me this circumstance rather seems to explain how the names of the houses themselves originated. No Athenian of the Æantid phyle believed himself descended from Ajax; no Formian from Æmilus: they were only eponyms, honoured by the tribesmen as their common protecting spirits. Just as little can the Cæcilii, before all notions were thrown into confusion, have carried back their pedigree to Cæculus, the Fabii to a Fabus or Fabius, the Julii to Iulus. Wherever a house and a tribe bore the same name, it may be assumed that both were in like manner called after the same *indiges*; and that both performed sacrifices to him, as to a patron of a higher order[915].

That the tribes of Servius were plebeian[16], is proved in substance by Varro connecting their institution with the assignment of landed property. The right of enjoying the profits of the national domains by possession, and the right to an assignment of property therein, merit a separate and particular developement. For the present

[915] Such is Clausus in Virgil (Æn. VII. 707) Claudia nunc a quo diffunditur et tribus et gens Per Latium: he is no more the progenitor of the one than of the other. So well informed does Virgil here likewise shew himself to be. Much that he gathered together from regions seldom visited, after the manner of the Alexandrian poets, passes for his arbitrary invention, and as such is even censured as faulty. When he introduces the eponyms of the Sergian and Cluentian tribes among the Trojan followers of Æneas (v. 121—123), and thus revives the recollection of an ancient opinion, which he may easily have met with in Nævius, a reader of the present age fancies he meant to pay a stupid compliment to some men of high rank, a Sergius and a Cluentius; though no such persons existed among the men of influence in his day.

[16] The abstract substantive from *plebs* is *plebitas*, or, according to the old spelling, *plevitas*, which Nonius quotes as used by Cato and Cassius Hemina: De hon. vet. dictis.

I merely observe beforehand, that the former originally belonged to the patricians, who after receiving lands invested their clients with them; the latter exclusively to the plebeians: that, in other words, with the exception of the country under the city-walls, all landed property, strictly speaking, was in the hands of the latter alone: that whatever assignments of land took place, were in their favour, and were a set-off for their share in the public domains; that consequently, where general assignments of land are spoken of, they are almost always expressly mentioned as the receivers; and that, where this is not the case, it cannot be questioned that the same limitation existed[917]. If earlier assignments to the freemen, such as are ascribed to the Sabine kings, Numa and Ancus, had recognized the rights of men belonging to a commonalty which had not yet been constituted into an estate; by the like assignments the plebs was now established in its distinctive character of free hereditary proprietors.

From this time forward the Roman nation consisted of the two estates, the *populus*, or body of burghers, and the *plebs*, or commonalty: both, according to the views of the legislator, equally free, but differing in degrees of honour; and here the patricians, as elder brothers,— added to which every individual among them was the member of a far less numerous body—, had the advantage of the plebeians, as the Ramnes had of the other houses. I aim not at prying into the mysteries of the ancient theologies; but thus much is evident, that the Romans conceived every part of nature and every vital and spiritual power divided into two sexes and two persons; thus

917 Dionysius speaks of a twofold assignment under Servius; one just at the beginning of his reign; and another out of the conquered territory, after the termination of the Etruscan war, which he represents to have lasted twenty years. Livy, who did not feel any harassing necessity of filling up the wearisome period of forty-four years year by year, brings the Etruscan war to a close in a few words, and before the establishment of the centuries; and then (c. 46) he mentions the only assignment that he knows of.

tellus and *tellumo*, *anima* and *animus*; and in like manner they probably also looked upon the nation as consisting of *populus* and *plebes*: hence the names are masculine and feminine. The use of the former word for the sovran assembly of the centuries belongs to later; for the whole nation to yet more recent times: and along with the second meaning the original one long continued to prevail. History relates under the year 341 that the plebs, with the concurrence of the populus, committed the charge of investigating the murder of Postumius to the consuls: in this place no interpretation can attach that meaning to the word into which it has been attempted, though very mistakenly, to strain it in the saying of Appius Claudius, that the tribunes were magistrates of the plebs, not of the populus; where it is argued that the term meant the people in the centuries[918].

Even the oracle of the Marcii, which was made public during the second Punic war, still speaks of the prætor who pronounces the supreme sentence of the law over the burghers and the commonalty[19]. A *concilium populi* is synonymous with an assembly of the patricians or of the curies. A *concilium* is confessedly, as a very good authority informs us, the assemblage of only a part of the nation[20]; not of the whole, as it was united in the centuries. Now Livy says, the auguries had attained to such honour that the *concilia populi* and the centuriate comitia had been dissolved in consequence of unpropitious omens[21]: here those *concilia*, which merely as such must be distinct from the only general comitia, those of the centuries, or the *exercitus*, are over and above this ex-

918 Livy IV. 51. A plebe consensu populi consulibus negotium mandatur. II. 56. Non populi sed plebis magistratum: that the tribune had no authority over the patricians. For that was the point in dispute.

19 Livy XXV. 12. Prætor—is qui poplo plebique jus dabit summum.

20 Lælius Felix in Gellius XV. 27. Is qui non universum populum, sed partem aliquam adesse jubet, non comitia, sed concilium edicere debet.

21 Livy I. 36. Ut—concilia populi, exercitus vocati, summa rerum, ubi aves non admisissent, dirimerentur.

pressly named alongside of them: and a *concilium plebis* is out of the question; for this did not stand under the influence of the auguries. It was to a *concilium populi* that Publicola did homage by lowering his fasces[922]: it was the same assembly, which decided between the Aricines and the Ardeates concerning the disputed territory[23]; and as the patricians as then were still the only possessors of the domains, the plebs was in no way qualified for judging on the question whether a particular district belonged to them; nor would it have had any interest to decide unfairly; nor finally would the consuls have granted it the honour of settling a quarrel between two foreign towns. Now if we keep this explanation steadily in view, it becomes evident that it was by the curies that M. Manlius, the saviour of the Capitol, the patron of the Roman commonalty, was condemned to death, after the centuries had acquitted him[24]: to such a degree did the patricians thirst after his blood. Their place of meeting was the Comitium, that of the plebeians the Forum. The distinction between the two orders is visible even in their games; which were twofold, the Roman and the plebeian. The first were held in the great Circus; and so we are informed that places were assigned to the curies there: the separation between the orders accounts for the origin and intent of the Circus Flaminius. It must have been designed for the games of the commonalty, which in early times chose its tribunes there, on the Flaminian field[25].

Now as the Marcii designated the nation by the two words *populus* and *plebs*, so the formularies of prayer which opened all proceedings in the presence of the whole

922 See below note 1098.

23 Livy III. 71. Concilio populi a magistratibus dato.

24 Livy VI. 20. Cum *centuriatim* populus citaretur—apparuit—nunquam fore—crimini locum. Ita—*concilium populi* indictum est. The true account is clearly that the duumvirs impeached him.

25 All such distinctions necessarily came to an end, when the patricians had disappeared in the nation like a drop in the sea.

nation, sometimes made mention of the Quirites, sometimes of the plebeians, along with the populus[926]. Not that the original Quirites had not been totally and essentially different from the plebeians: they were become a part of the patricians: but the plebeians were now standing in the same relation to the collective body of the curies, in which the second tribe had once stood to the first: the formulary existed and was applicable: hence the custom of addressing the assembly in the Forum by the name of Quirites: hence the phrase, Quiritary property, and the like[27].

Among the measures of Servius for promoting freedom, it is further stated that he established judges for private actions[28]. I entertain no doubt that this is the institution of the centumvirs. The only ground which is generally supposed to determine that this tribunal was not erected until the five and thirty tribes were completed,

[926] Quod felix, faustum, fortunatum, salutareque sit *populo Romano Quiritibus* (not *Quiritium*: see above p. 252. n. 701). Festus v. Dici mos erat Romanis in omnibus sacrificiis precibusque. Cicero paraphrases this as follows: Quæ deprecatus sum—ut ea res—*populo plebique Romano* bene atque feliciter eveniret. Pro Murena I.

[27] I must subjoin one more remark to the close of this inquiry. A multitude of instances may be collected by merely turning over the pages of Livy, in which he gives the name of *populus* to the *plebs*: but these are not of the slightest importance, if we distinguish between the strict old practice of the language transferred into his pages from the Annals which still paid attention to it, and the fluctuating usage which he shared in common with his age. How hard would it have been for him to keep clear of it! when the tribunes, who had already long since been actually tribunes *of the people*, had for some hundred years at the least transacted business officially with the *populus* of that age, the comitia of the centuries. So much the more are we struck with the precision of those passages where he is literally reciting the expressions of the older writers. I will however myself quote another sentence, which might seem to bear against me. Varro de re rust. I. 2. 9. Licinius trib. pl. cum esset, post reges exactos annis CCCLXV, primus populum ad leges accipiendas in septem jugera forensia e comitio eduxit. The number of years, as every one sees, is corrupt, and perhaps the corruption has gone further: but he who takes *populus* here to mean *plebs*, and the *comitium* to be its place of assembly, is quite in the dark. In this very passage the *populus* is again the curies, who were forced to accept the law proposed by the triumphant plebeians, (*leges accipere*): the tribune conducts them from the Comitium to the spot where they are to conclude peace with the plebeians: the seven jugers are the condition: *in* septem jugera: like pax data *in* has leges est Livy XXXIII. 30.

[28] Dionysius IV. 25.

or till there were at least three and thirty, lies in its name: whereas the agreement being only approximate, this is a sufficient indication that the name arose from common parlance, and was not the original legal appellation. For every tribe there were three judges. This number; this principle of representing the particular tribes, and the consequent practice that each should elect severally, not the collective commonalty; the symbol of the spear; all these things point to very old times: the symbol just mentioned is in allusion to the plebeians as Quirites, that name being frequently derived from the Sabine word *quiris*, a spear. Moreover the causes which came before this court, refer uniformly to matters that occurred in the census, or concerned Quiritary property. The single senatorial judge, who was appointed by the prætor, was properly called an *arbiter*[929]: it is a perfectly legitimate notion to assume that the centumvirs, originally when they were ninety, and afterward as their number, which on the diminution of the tribes had been reduced to sixty, gradually increased again, bore the name of *judices*. And it is easy for the unprejudiced to see that they are those *judices*, who after the abolition of the decemvirate were protected with the other plebeian magistrates by the laws declaring them inviolable[30].

Beside these judges and the tribunes, the plebeians collectively, or the particular tribes separately, may have

929 Plautus Rudens III. 4. 7. Ergo dato De senatu Cyrenensi quemvis opulentum arbitrum, Si tuas esse oportet etc. 150 years afterward it was a matter of dispute whether *judex* or *arbiter* were the right name. Cicero pro Murena 12. (27). The nature of the relation between them had become indistinguishable.

30 Livy III. 55. The ingenious Ant. Augustinus, who in his views on historical questions was mostly quite as happy, as he invariably was unhappy in emendatory criticism, discerned the truth here: but he only gave a faint intimation of his opinion, and so his conjecture has not met with acceptance. (See Drakenborch on the passage.). He would have had to fetch his readers, out of a public still far behind in its nonage, from a great distance, and to carry them up to the eminence on which he stood: the road to it was not levelled: would they have thanked him for it? Was it not enough that he himself had found his way thither?

elected to other offices. That even in those times they had in the ædiles a peculiar local magistracy, such as we may suppose to have subsisted in the towns the inhabitants of which belonged to the plebs, is certainly more probable than that their origin was later. The plebeian assemblies may have had several purposes over and above elections; the passing of resolutions, the imposing rates for common objects: thus general contributions for the funerals of favorite statesmen were determined upon by public decree[931]. We may assume however that even then they had an authority which came much nearer to their subsequent power.

For the legislation of an individual who is supreme in the state, pursues a different course from the one taken by conflicting powers in a free state; where, without breaking the public peace and violating the forms of law, nothing but gradual concessions can be wrung, sometimes by lulling fears, sometimes by rousing them, from the possessors of privileges that have become exorbitant, above all when their sway is a usurpation. The royal author of that constitution which posterity designated with the name of Tullius[32], could not have known what he was doing, if he had established the plebeian estate, and had left it so unprotected as it was before the secession, and so far from an equality of rights as it still continued long after. It was no inconsiderate expression of Cicero, and he did not so much transport himself to the point of view taken by a different party, as draw back the curtain of prejudices through which he usually esteemed it his duty to look into the sanctuary of the constitution, when he declared that the plebs by the secession had regained its hallowed rights, its liberties[33]. The form of securing

931 For that of Agr. Menenius it was on the proposition of the tribunes. Dionysius VI. 96.

32 Ut, quemadmodum Numa divini auctor juris fuisset, ita Servium conditorem omnis in civitate discriminis, ordinumque—posteri fama ferrent. Livy I. 42.

33 Ut leges sacratas sibi restitueret. Fragm. of the Corneliana.—*Sacrosanctus* answers to the German *fron*.

them was new; was necessary, from the change in the form of the constitution: of the rights themselves the commonalty cannot have been destitute. It would not have been free, like the body of burghers, unless there had been the same right of appealing to its assembly, which the patricians had of appealing to the curies; unless it had been entitled to pass sentence upon those who grossly outraged its liberties.

That the counter-revolution of L. Tarquinius and the patricians did actually drive back the commonalty so far from the fair rights it had reached, that centuries were needed before it could again make its way against wind and tide into the harbour, where after that royal legislation it was lying; this is evinced among other instances by the state of the law concerning debts. We are distinctly informed that a law of king Servius abolished the practice of pledging the person, and substituted for it that of pledging property[934]: the selfsame measure by which the Pœtelian law made a new epoch in the freedom of the plebs. It is further said, that this beneficent enactment was repealed by Tarquinius the tyrant[35]; and the patricians contrived to prevent its

934 Dionysius IV. 9. Ὅσοι δ' ἂν μετὰ ταῦτα δανείσωνται, τούτους οὐκ ἐάσω πρὸς τὰ χρέα ἀπάγεσθαι, ἀλλὰ καὶ νόμον θήσομαι μηδένα δανείζειν ἐπὶ σώμασιν ἐλευθέροις, ἱκανὸν ἡγούμενος τοῖς δανεισταῖς τὰς οὐσίας τῶν συμβαλλομένων κρατεῖν. In the same harangue he makes Servius further say, that the domains should not thenceforward be possessed, but usurping patricians by the plebeians who had won them with their blood. So that the agrarian law was likewise referred to the same author of all constitutional rights.

35 Dionysius IV. 43. Tarquinius is even said to have destroyed the tables on which the beneficent laws were written. These then must have been the fifty spoken of in IV. 13, the mode of mentioning which (ἦσαν) implies that they were no longer in existence, and so were not comprehended in the Papirian collection. If this was digested under the second Tarquinius, of course it did not contain the laws which he rescinded: their not being found in it is assuredly the only ground for the above-mentioned story of their angry destruction. From this however it ensues that the whole account of that law on debts has nothing but tradition to rest upon. See the text to note 1187.

renewal for two hundred years after the banishment of the kings.

The story that Servius had meant to lay down the royal dignity, and to procure the election of annual consuls, may have as insecure a historical foundation as the tale of his birth: still it does not on that account point the less decidedly to a necessary connexion, which common tradition and opinion perceived between the consulate and the laws bearing that king's name. This is distinctly intimated in Livy's statement that the first consuls were chosen in conformity to the commentaries of king Servius Tullius; those commentaries, which contained a circumstantial scheme of his constitution, as the quotations in Festus shew. And since one should be unwilling to suspect the author of so great a legislation, who had the power to fashion it after his purpose, of what would have destroyed it; the design of that legislator whom we call Servius Tullius, must have been, it would seem, to place the two free estates, on a level in the consulate too, as was at length accomplished by C. Licinius and L. Sextius. If he did not, if he only entrusted the first two ancient tribes with two annual magistracies, the commonalty, without a consul from the midst of it, was in a worse condition, than under a single supreme head who retained his functions for life: the latter would emancipate himself, the more so the longer he reigned, from the prejudices of the order out of which he too had proceeded; prejudices from which an annual magistrate did not free himself. And no gain but that of universal freedom could make amends for the palpable mischievous consequences of a divided government.

The CENTURIES.

With regard to the purpose of the Servian constitution to impart an equal share in the consular government to the plebeians, every one may frame surmises at his pleasure: that it granted them the right of taking part in elections and in legislation, is known to all.

Servius, as for the sake of brevity I will call the lawgiver in accordance with the writers of antiquity, would have communicated these rights in the simplest manner by following the same method whereby in feudal states the commons obtained a station alongside of the barons, and by ordaining that all national concerns should be brought both before the council of the burghers and that of the commonalty, and that the decree of the one should not have force without the approval of the other, and should be made null by its rejection. This was the footing the plebeian tribes subsequently stood on for some time in relation to the curies: not however until the ties of an amicable intercourse between the two orders had already become so manifold, that their tranquillity was no longer troubled except by a few very wrongheaded incendiaries; not until all had recognized the necessity of labouring for the good of their common country, conformably to the institutions which actually existed. If the curies and tribes had been set up over against each other from the beginning, they would have torn the state asunder; and it was to accomplish its perfect union that the centuries were devised by Servius. For in them he collected the patricians and their clients together with the plebeians; and along with all these that new class of their

fellow-countrymen which had arisen from bestowing the Roman franchise on the inhabitants of other towns, the municipals: so that nobody could in any manner of way account himself among the Romans, without having some place or other, though indeed it might often be an utterly insignificant one, in this great assembly[936]. The preponderance in it, nay the whole power lay with the plebs; yet without exciting ill-will, because no one was excluded; and without provoking opposition, because it did not decide by itself, but stood on an equipoise with the curies.

This institution of the centuries has thrown that of the tribes completely into the shade: through the former alone has the name of king Servius maintained its renown to our days. So likewise it has long and universally passed for a settled point, that this is understood with more certainty and on better grounds than any other part of the Roman constitution; because it is described by Dionysius and Livy, and that description is couched in numbers: and only a very few who saw more clearly, have ventured to pronounce, that at all events these representations were not suitable to the times of which we have a contemporary history. At present this is no longer contested in the main; and since a far more authentic record has come to light, the errours common to the two historians, or peculiar to each, may be satisfactorily pointed out. Neither of them can have been acquainted with the account contained in the commentaries which were ascribed to the king himself; each has written from very different and very defective reports: as to Cicero's, the only reason that indisposes us to believe its being derived immediately from the authentic source, is, because erudition of this sort was not in his way; else his statements are exceedingly accurate and may be fully depended upon. The mistakes of the two historians need not surprise us; since they had not

[936] Comitiatus maximus.

to give an account of an existing institution, nor even of one that had been recently changed, but of one that had long since passed away. Livy says expressly that it had nothing in common with the constitution of the centuries in his days: and this too is the very reason why he describes it, as he does the ancient tactics on occasion of the Latin war. A variety of other accounts must have been current, containing still greater discrepancies; since Pliny takes 110,000 ases to be the limit for the property of the first class, Gellius 125,000[937]; numbers, which can neither be regarded as blunders in the manuscripts, nor as slips of memory in the writers.

Both the historians are guilty of a mistake, in confounding the burghers with the commonalty, and thus imagining that the same people, a people in which up to this time perfect equality had prevailed, was now classed according to property in such a manner that all the power fell into the hands of the rich, though incumbered with no slight burthens. Dionysius adds another errour to this, in considering the eighteen equestrian centuries, which had the first rank in the constitution of Servius, as a timocratical institution.

It is the principle of an aristocracy to maintain a perfect equality within its own body: the poorest and obscurest *nobile* of Venice, into whose family no office of dignity had come for centuries, was esteemed in the great council as the equal of those whose wealth and name surrounded them with splendour. A government formed like the Roman by a large body of houses was a complete democracy within itself, just as much so as that of a canton in which the population is not more numerous: an aristocracy it was solely in its relation to the commonalty. This was misunderstood by Dionysius and Livy: no change was made by Servius in this equality of the ancient burghers: his timocracy only affected those who stood

937 Pliny H. N. xxxiii. 13. Gellius vii. 13.

entirely without the pale of that body, or those who at the utmost were attached to it, but far from partaking in the same equality.

Servius admitted into his comitia the six equestrian centuries established by L. Tarquinius: they received the name of the six *suffragia*: and these therefore comprised all the patricians, among whom it is not conceivable that in this constitution, any more than in the earlier, there should have existed any distinction adapted to the scale of their property. Livy, who forgot, it is true, that Tarquinius had instituted the six centuries, distinguishes them very correctly from the twelve which were added by Servius[938]; out of the principal men in the state, as he says: he ought to have said, in the commonalty: for the patricians were comprehended in the six *suffragia*, and none of them could be admitted into the twelve centuries. Dionysius therefore should have confined himself to these twelve centuries, when he conceived that Servius had chosen the knights out of the richest and most illustrious families; which notion he inconsiderately extends to all the eighteen[39]; mistaking the rights and the condition of the six *suffragia*.

For certainly the nature of the measure requires, that the person who regulated the division of ranks, when he collected and separated the notables from the commonalty, should pass over such of the nobles of Medullia or Tellena as were quite reduced to poverty and forgotten, and should enroll in these centuries such of the mere freeborn inhabitants as in conformity with the notion of the class possessed wealth enough to equip a horseman,

[938] Festus (v. Sex Suffragia) in direct opposition to the truth takes the six to have been the centuries formed by Servius. What led to this was the notion that the twelve had already been instituted by Tarquinius. See above p. 308, note 831.

[39] IV. 18. Ἐκ τῶν ἐχόντων τὸ μέγιστον τίμημα, καὶ κατα γένος ἐπιφανῶν. What Cicero said about the selection of the knights *censu maximo*, is mutilate, and cannot be completed with certainty.

provided their honour was untarnished; not those whose character stood the highest, if their means happened to be too small. Marius would not have been placed among the knights: the object of Servius however was not to confer prizes on the virtues of individuals, but to establish an estate in the nation; to unite the plebeian notables with the patrician. Now among the Greeks in every case, where the ancient government did not dwindle down into an oligarchy, the transition to the later order of things brought about by the course of nature was effected by the remnant of a decaying aristocracy uniting themselves into one class with the richer landed proprietors among the commonalty, the γεωμόροι: this class from their being able to defray the expense of serving as horsemen out of their own means, were designated by the name of ἱππεῖς; for which the English word *knights*, although we have to guard against certain associations when using it, is still the most suitable. Nobility was defined by the Greek philosophers, when the ancient notions of ancestry had long been lost, as consisting, according to the way of thinking then prevalent, of hereditary good birth together with hereditary wealth[940]: and where poverty has intruded, there none but a military nobless, such as that in which several German provinces take pride, can maintain the character of the class in public opinion, which alone preserves it. Nay the privileged class has universally esteemed wealth, and the outward splendour that flows from wealth, as the only thing which can place an individual on a level with it. This has in all ages been so. The Heraclid Aristodemus, the progenitor of the Spartan kings, said, *Money makes the man.* Alcæus repeated it in his songs, as a saying of the wise[41]: and bad as this sounds and is, still it can just as

940 Aristotle Fragm. de Nobilitate.

41 Χρήματ' ἀνήρ. Alcæus in the Schol. on Pind. Isthm. II. 17. fragm. 50. ed. Matth. Aristodemus said it at Sparta: so that this tradition, like the national one in Herodotus (VI. 52.), represented him as not having died before the conquest was completed.

little be disputed that, in an undertaking like that of king Servius, wealth and not bare lineage must be taken as the criterion in establishing a plebeian aristocracy under a new form.

Only we must beware of confounding the first institution with what followed; as also of supposing that the subsequent standard of an equestrian fortune, a million ases, is derived from the times of Servius. The posterity of those who were first enrolled, must be conceived to have taken their station hereditarily, as well the plebeians as the patricians. Polybius says, at present the knights are chosen according to their fortune[942]: formerly therefore it was otherwise; that is, according to their birth: and Zonaras informs us that the censors had the power of rewarding merit by raising the ærarian into the tribes, the mere plebeian into the equestrian order; and contrariwise of punishing such as led a bad life by erazing them from both the two upper ranks[43]. Here the regulative principle is plainly the reverse of one that depends upon property, such as prevailed in later times, when whoever could produce his four hundred thousands was entitled to demand a place among the knights; and the want of a few thousand sesterces, in spite of every virtue, kept a man down amid the plebs[44]. True, the censors in those times ordered the unworthy possessor of a knight's horse to sell it: this however now formed the whole of the censorian brand, unless they could also turn down the tribesmen among the ærarians. By conferring this privilege of a knight's

[942] Polybius VI. 20. Τοὺς ἱππεῖς τὸ μὲν παλαιὸν ὑστέρους εἰώθεσαν δοκιμάζειν—νῦν δὲ προτέρους, πλουτινδὴν γεγενημένης ὑπὸ τοῦ τιμητοῦ τῆς ἐκλογῆς: *since* fortune has been taken as the standard in selecting them. If he had not intended to imply a causal connexion here, he would have written γενομένης, *having been selected* according to their fortune.

[43] Zonaras VII. 19. Εξῆν αὐτοῖς—ἐς τὰς φυλὰς, καὶ ἐς τὴν ἱππάδα, καὶ ἐς τὴν γερουσίαν ἐγγράφειν, τοὺς δ' οὐκ εὖ βιοῦντας ἁπανταχόθεν ἐξαλείφειν.

[44] Si quadringentis sex, septem, millia demis, Plebs eris.

horse, the censors could still reward civic virtues in individuals; as in Great Britain a general or admiral who is raised to the peerage, if not wealthy, receives from the nation a pension suitable to his rank; while yet, as a body, the house of peers can only maintain its station by comprehending the aggregate of the great landed proprietors. That the million of after times cannot have formed the original equestrian fortune, is obvious; since the classes from the fourth to the first ascend by intervals of 25000; and this would be followed by such an enormous leap as from a hundred thousand to a million; whereas during the second Punic war we find this interval subdivided, like the part of the scale below a hundred thousand[945]. Thus much may at all events be conjectured, that the obligation of those who were registered as horsemen, to serve as such at their own cost, when a knight's horse could not be assigned to them, was determined by a certain fixed amount of their property; and that, if it fell short of this, they would be bound to enter into the infantry: this may have given occasion to the account, in the description of the general zeal to wash away the disgrace endured before Veii, that the knights who had an equestrian fortune and no horse allotted them, volunteered to serve on horseback at their own expense[46]: and the tradition likewise that L. Tarquitius, the friend of the great Cincinnatus, and the bravest among the Roman youth, was constrained by his poverty to serve on foot[47], points to a like conclusion. In fixing such an amount alterations may have been made from time to time according to the changes in the value of money.

The prevalent opinion, that the equestrian rank from the beginning was essentially identified with great wealth, and yet that all the knights were furnished with horses

945 Livy xxiv. 11.

46 Livy v. 7: that is to say, a greater number than had been called out.

47 Livy iii. 27.

by the state, and had a yearly rent assigned for their keep, not only charges the Roman laws with senselessness as well as injustice, but also overlooks Livy's express remark, which follows close upon his account of the advantages enjoyed by the knights, that all these burthens were shifted from the poor on the rich[948]. Who in truth would pledge himself that the rich patrician, if he might have his expenses defrayed, would magnanimously decline availing himself of it, for the benefit of his poorer brother patricians? And as for the plebeians, should they too have had a like right secured to them by Servius, at all events it cannot have come into exercise for many generations. But at first no doubt it was one of the patrician privileges: indeed the incontestable meaning of the account in Cicero, representing this allowance as an institution of the first L. Tarquinius, is, that its origin was prior to the establishment of the commonalty as an estate: and, if restricted to those among the ruling burghers, who, though equal to their fellows in rank, were inferior in fortune, it was neither unfair nor arrogant.

Ten thousand ases for the purchase of a horse, by the side of the sums at which oxen and sheep were rated in the table of penalties*, seem to be so unreasonable, that the correctness of the number has been called in question. But in the first place it was not to be a common nag; and compared with such a one at Rome as elsewhere a war-horse was naturally very dear: and besides the equipment was incomplete without at least a groom, a slave, who was to be bought, and then

[948] Hæc omnia in dites a pauperibus inclinata onera. Dionysius evidently felt the absurdity that results from his representation, and therefore sacrificed the opportunity, at other times so welcome to him, of deriving Roman institutions from the Greek; as Polybius would have led him to do here by his comparison of the Roman equestrian order with the Corinthian. I say Polybius: for from him must Cicero have borrowed the notice of a circumstance, which, as shewing how widely such institutions were spread among the ancients, is extremely interesting: as a proof of any connexion between Rome and Corinth, is good for nothing.

* See below note 991.

trained to ride. We should like to know whether the state did not replace such horses at least as were lost on the field; whether the horseman who was discharged on growing too old, or the heirs of a deceased one, did not pay back the ten thousand ases that had been received. These are questions to which no lucky moment of conjecture is likely to divine an answer: but surely there can be no mistake in supposing that, when the censor commanded a knight to sell his horse, the meaning was, that the person thus degraded should refund to the state the outfit-money which had been advanced to him, and should procure the means of doing so by that sale; not that a bargain with him and the payment of the ten thousand ases were to enable another man to enter in his stead into the receit of the annual two thousand, as if it were a transferable office or *luogo vacabile*. For this penal command of the censors continued in use until the latest times of the republic; when the knights had long received pay and been supplied with fodder in room of that allowance: a change which had already been introduced in the time of Polybius[949]. Knight's horses furnished by the state are mentioned in inscriptions under the emperors, as long as the old institutions lasted; though certainly it is in a very different sense[50].

The form of the equestrian order was determined by that of the older centuries, which remained unaltered as

949 Polybius VI. 39. 12. 13.

50 Cicero (de Re p. IV. 2.) alludes to a change made by a decree of the plebs ordaining that the horses should be returned: for when he makes Scipio speak of anything as intended, we are to suppose that it had actually taken place, but, according to the information possessed by Cicero, was later than the date he assigns to Scipio's discourse. It is conceivable that the holders of the outfit-money were enjoined to pay it into the treasury, with a view of having a great sum in hand for largesses: the horses and equipment would have continued their property. Perhaps too Cicero was mistaken about the time; and the higher pay mentioned by Polybius, and the fodder, might be meant as a compensation. At all events the inscriptions referred to shew that the measure was not permanent. See for instance in Gruter 404 (3.4.) .407 (6) .415 (3).

the six *suffragia*; and after which the twelve plebeian centuries were modelled. The centuries of the knights had nothing in common with the form of the army; the turms of the cavalry no way corresponded with them: whereas on the other hand the classes exhibited a representation of an army of infantry, in exact accord with the constitution of the legion; troops of the line and light-armed troops, with their body of reserve, their carpenters, and their band; and even with the baggage-train. Were not the relation between an historical statement, like the Tuscan one about Mastarna, and the Roman stories of Servius Tullius altogether irrational, so that the former cannot be turned to any account; one should be inclined to seek an explanation for the peculiar character of the whole system, in its being founded by the leader of the army of Cæles. His troops would bear the arms of the first class: as king he might endow them with the property requisite, or overlook the want of it; such liberties being always taken, unless the traditionary continuance of the laws places the application of them beyond the reach of caprice and favour.

There was something peculiar in an institution thus accurately copying the frame of the army; not but that in many a Greek state the hoplites and the full citizens had been the same. Nay the principle also justly assumed by Dionysius, that the votes allotted to each class bore the same proportion to the collective sum of votes, as the taxable property of its members bore to the total taxable property of all the five classes, and that the numbers of the citizens contained in each stood in an inverse ratio to the numbers that designated their property; this too was not unknown to the Greeks. Aristotle makes mention of votes the efficacy of which was regulated by the sum of the property of the voters[951].

[951] Politic. VI. 3. p. 171. Φασὶ γὰρ—οἱ ὀλιγαρχικοὶ (τοῦτο δίκαιον) ὅτι ἂν δόξῃ τῇ πλείονι οὐσίᾳ· κατὰ πλῆθος γὰρ οὐσίας φασὶ

Rome was fitted for becoming a warlike state by the measures taken to connect military service and civic rights with the hereditary landed property of the plebeians: no freeman however was to feel himself excluded; and those trades which were indispensable to the army, but which a plebeian was not allowed to carry on, were in their corporate capacity placed in a station, which was probably advantageous and higher than the individuals would have occupied by the general principles of the census. For this reason the five classes had each a particular century attached to it.

Scipio in Cicero's dialogue declines entering into a detailed report of the Servian constitution of the centuries, it being a matter well-known to his friends: in like manner I too may be excused from counting up how the 170 centuries were distributed among the five classes. There are two points however which I would not pass over: in the first place, that the Romans knew only of five classes, and so Dionysius, who calls such as gave in less than 12500 ases at the census a sixth class, is just as much mistaken in this as when he allows them only one century: next,

κρίνεσθαι δεῖν. Further: *τοῦτο κύριον ἔστω—ὅτι ἂν οἱ πλείους καὶ ὧν τὸ τίμημα πλεῖον.* If out of 10 rich men and 20 poor, 6 of the rich and 5 of the poor voted on the one side, 4 of the rich and 15 of the poor on the other, then *ὁποτέρων τὸ τίμημα ὑπερτείνει, συναριθμουμένων ἀμφοτέρων ἑκατέροις, τοῦτο κύριον.* He cannot possibly have meant individuals here, which would have produced never-ending calculations, but *συμμορίαι.*

I must also advert for a moment to the division into classes established by Solon, because, with an apparent likeness to that of Servius, it has a totally different character. It referred wholly to the eligibility to offices, as the Roman did to elections. Comitia according to the four classes were certainly never held at Athens: but as the archons of old could only be chosen out of the first (Plutarch Aristid. c. I. p. 318), and the fourth was excluded from all offices, so the second must also have had certain privileges beyond the third. In the Attic classes the houses and the commonalty were intermixed, even if the expression of Demetrius Phalereus in the passage referred to—*ἐκ τῶν γενῶν τῶν τὰ μέγιστα τιμήματα κεκτημένων*—authorize us to conclude that among the pentacosiomedimns only the members of the houses were allowed to draw lots for the dignity of the archon eponymus. And even on the landed property nothing was rated but the crops.

that the regularity of the scale here again assuredly puts it beyond a question that his statement of the fortune of the fifth class at 12500 ases or 1250 drachms is the correct one, and not Livy's which fixes it at 11000 ases. Whether what gave rise to the last, was Livy's finding it somewhere mentioned, that the difference between the limit of the fifth class and the proletarians amounted to 11000 ases: or whether the account which placed the first class at 110000 ases, estimated the fifth at a tenth of this, as the sum given by Dionysius would be a tenth of the 125000 ases which others assign to the first class; these are questions which cannot be brought nearer a solution: still it is not a waste of time to consider how such an errour may have arisen.

The classes, and they alone, were divided into centuries of the juniors and the seniors, equal in number: the former destined for service in the field, the latter for the defense of the city: the age of the seniors began with the completion of the forty-fifth year[952]. The theology of the Romans taught[53], that twelve times ten solar years were the term fixed by Nature for the life of man, and beyond this the gods themselves had no power to prolong it; that Fate had narrowed its span to thrice thirty; that Fortune abridges even this period by a variety of chances: it was against these that the protection of the gods was implored. Of the length assigned to man's life by Fate, just half is marked off by the above-mentioned limit: and since boyhood according to Varro ceased with the fifteenth year, after the close of which the prætexta was exchanged for the manly toga at the next Liberalia[54]; we here again find the number thirty, a third part of man's whole lifetime, as the number of the years contained in the vigorous prime of

[952] Varro in Censorinus 14. Dionysius IV. 16. Διελὼν — τοὺς ὑπὲρ τετταράκοντα καὶ πέντε ἔτη γεγονότας ἀπὸ τῶν ἐχόντων στρατεύσιμον τὴν ἡλικίαν.

[53] Servius on Æn. IV. 653.

[54] Noris Cenotaph. Pis. I. p. 116. ff. Diss. II. 4.

life. Here again the numbers themselves are a sure thread to guide us; and with reference to the original institution of Servius, what Gellius states on the authority of Tubero, namely that persons were not reckoned to be seniors until the completion of their forty-sixth year[955], is certainly erroneous. The limit for the age of military service may have been always denoted by the expression, *minor annis sex et quadraginta*[56]: this however meant the person who had not yet entered into his forty-sixth year[57]. I have not overlooked that this year is included by Polybius in the military age[58]: but the extension was brought about by the want felt of a more plentiful choice of men hardened by service; and for this purpose advantage was taken of an expression, the meaning of which could not but be indistinct, when men had lost sight of the general connexion running through the ancient institutions. In the same manner Tubero, a contemporary of Cicero, a man of business, and not an antiquarian, accounts the sixteenth year a part of boyhood[59]; in opposition to Varro and to the evidence afforded by the symmetry of the numbers: and certainly Nature did not allow herself to be dictated to by such forms; nor did the lad of fifteen put on the strength for a campaign together with the manly toga. Accordingly during the first year he was kept to bodily exercises, and instructed how to demean

955 x. 28. Ad annum quadragesimum sextum juniores, supra eum annum seniores appellasse.

56 Livy XLIII. 14.

57 Such as were *minores annis viginti quinque*, were prohibited, with a few exceptions, from holding offices of trust or dignity: but *annus vigesimus quintus coeptus pro pleno habetur:* Ulpian l. 8. D. de muneribus (L. 4:) in an affair of national law the expression was interpreted after the ancient legal principles.

58 The Romans are liable to the conscription ἐν τοῖς τετταράκοντα καὶ ἓξ ἔτεσιν ἀπὸ γενεᾶς. VI. 19.

59 Gellius x. 28. Pueros esse existimasse, qui minores essent annis septemdecim: that is, according to the explanation in the text, who had not yet entered upon their seventeenth year. The next clause—*inde ab anno septimodecimo milites scripsisse*—settles the question in favour of the disputed reading, juniores *ab* annis septemdecim scribunt: Livy XXII. 57.

himself among men: now so long as this schooling lasted, custom will hardly have permitted him to give a vote in his century, even if it belonged to him of right: thus the matter was put off; and if the time to be spent among the juniors was still reckoned at thirty years, men only became seniors with the forty-seventh. From what Gellius further quotes out of Tubero, all who were above forty-six would have been numbered among the seniors: according to a different well-known statement, it was only up to the close of the sixtieth year; with which all civic rights expired. This opinion rests upon valuable authorities; and the obligation of the *seniores* to defend the city, of which we read in Livy, speaks strongly for their having been separated from the *senes*. The same is also confirmed by the principles of Greek law; for though Aristotle considers the old men who have obtained their dismissal, as well as the boys who are not yet enrolled, in the light of citizens, it is as imperfect ones[960].

Every body sees that one of the fundamental principles in this constitution was to adapt the distribution of power, and of arms as the means of maintaining power, to the scale of property[61]; a scheme allied to that theory which regards a state as a joint-stock company. Now in this relation between the juniors and the seniors yet another purpose displays itself. The ancient nations often intrusted the charge of taking counsel for the common weal to the elders exclusively; and in a like spirit the seniors are placed on a par with the juniors as to the number of their centuries: nor can we fail to perceive here the justness of Cicero's words, that throughout the

[960] Politics III. 1. Καὶ παῖδας τοὺς μήπω δι' ἡλικίαν ἐγγεγραμμένους καὶ τοὺς γέροντας τοὺς ἀφειμένους φατέον εἶναι μέν πως πολίτας, οὐχ ἁπλῶς δε. Though great officers even at a very advanced age were called to the command of armies, there is the less force in this argument with regard to Rome, since the knights were not divided according to their time of life.

[61] The equestrian order, as has just been remarked, stands apart from this system.

whole of the system the aim was to withdraw the power of deciding from the majority*: for in this way the minority were to preponderate even within the same class. That is to say, the seniors, whether we take them in the wider or the narrower extent, were much fewer than the juniors. Population-returns, arranged according to the different periods of human life, are rare: I know of no Italian one: and certainly the relative numbers will inevitably vary in different climates: but assuredly we shall nowhere be far from the mark, if we assume that the number of men living who have completed their forty-fifth year and are under sixty-one, amounts to less than a third, that of all who have passed their forty-fifth year only to about half, of those living between seventeen and forty-six; in the twenty-eight years which we must take as the actual period of military service in the field, and of the corresponding franchise in the centuries[962]. Here again we find a numerical proportion which makes it likely that in the scheme of the centurial constitution the ratio of one to two was in reality taken as a basis, whatever limit we may draw for the age of the seniors.

The difference among the numbers contained in the centuries of different classes must have been exceedingly great: the principle of the original arrangement has already been pointed out[63]; namely, the proportion between the aggregate taxable property of each class and that of the whole body. Three persons of the first class, four of the second, six of the third, twelve of the fourth, four and twenty of the fifth, stood on an equality, taking an average, in point of fortune; and consequently

* De Re p. II. 22. Curavit—ne plurimum valeant plurimi.

962 I have deduced this result from the English population-returns of the year 1821. The relative numbers for the males, accurately expressed, are, from 17 to 45, 0.6637; from 45 to 60, 0.2035; above 60, 0.1328; or the total above 45, 0.3363. Calculating from the close of the fifteenth year, the proportion would be that of 0.6863 to 0.3137.

63 Above p. 382.

also in their votes: therefore the numbers in the centuries of the lower classes must have increased at the same rate. The second, third, and fourth classes must each have possessed property amounting to a fourth of the aggregate fortune of the first: the fifth, to three eighths; for else thirty centuries would not have been given to it. Accordingly the number of citizens in the second class came to a third, that in the third to half, of those in the first; that in the fourth was equal to it; that in the fifth thrice as great. By the principle of this division, out of thirty-five citizens six belonged to the first class, twenty-nine to the other four. Moreover if the juniors of the first class had not actually been about 4000, there was no reason to make forty centuries of them: the inconvenience of so large a number for voting could not escape the legislator. If the seniors of the same class were taken to be half the juniors, the numbers just set down came out in thousands, giving 6000 for the first class, 35000 for the whole five[964]. This sum stands in no disproportion to the one recorded as the result of the first census, 84700[65]; a number, which in other respects has no more claim to pass for historical, than the statements in the Fasti of the days on which king Servius triumphed. From all appearance a calculation adapted to the abovementioned proportion is at the bottom of this number; it was not one hit upon at random: but we shall hardly be able so to put together what we know, as to discover the numbers assumed for the knights and for the centuries not included in the classes. From the

[964] This ancient numerical proportion may very probably contain the reason why, when a century, as Cicero says (pro Plancio 20(49)), was only a part of a tribe, the number of tribes was raised to just five and thirty, and no higher.

[65] Dionysius IV. 22. The odd thousands are wanting in Livy, where we find the round number 80000; doubtless only through the carelessness of the person to whom we owe our revision of the text. For Eutropius, who takes everything from Livy, speaks of 83000 (I. 7). The statement of the census in the manuscripts of the epitome is an interpolation.

very first the numbers in the classes can have afforded nothing more than an approximation to the object aimed at, of representing the taxable property: in process of time, and as the nominal value of things altered, they must have departed so far from any such relation, that, as is the fate of all similar forms, this too became utterly useless and unmeaning.

A second division of the centuries was into the *assiduers* or *locupletes* and the *proletarians*. Among the former the craftsmen attached to the first and fifth class must also have been reckoned. Now the assiduers were all whose fortune came to above 1500 ases[966]: consequently they also included such as stood between this limit and the fifth class: and since on pressing emergencies the proletarians were called out and equipt with arms at the public expense, it plainly follows that these assiduers, though comprehended in no class, can still less have been exempted from military service; nor can they have been without the right of voting, which was shared by the proletarians and the *capitecensi*. They were without doubt the *accensi*, who, Livy says, voted like the musicians with the fifth class: or, more correctly speaking, as we now know from Cicero, they formed two centuries, the *accensi* and *velati*; which were probably distinguished from each other by their census as well as in other respects; so that those may have been called *accensi* who were rated at more than say 7000 ases; those *velati*, whose return fell between that sum and the proletarians. It has already been noticed as a peculiarity in the ancient Latin, above all in the technical and official language, that words used in denoting two objects, which, whether from their contrast or their affinity, are necessarily referred to each other, were combined by mere juxtaposition, without any connecting particle; as *empti venditi*, *locati conducti*, *socii Latini*,

[966] Cicero de Re p. II. 22. Gellius XVI. 10.

Prisci Latini *: thus it was the practice to say and write *accensi velati*; the more so, as they were certainly united in the one batalion of the *accensi*. When the body of reserve no longer followed the standards, as it had done under the old system; when the obligation to military service and the mode of raising levies had been entirely modelled after a new plan; and yet centuries of *accensi* and *velati*, though doubtless composed of persons of a very different kind, were still subsisting—being preserved, it may be supposed, because by the ritual the servants of the magistrates even for offering sacrifices were taken from amongst them [967]—; the usage of ancient times was then so forgotten, that a writer spoke of an *accensus velatus*, just as of a *socius Latinus*, which would have offended the ears of Cato as a gross solecism. Their military duty was the lightest; since they followed the legion without any business or burthen; nor were they marched in troops against the enemy; but one by one they filled up the gaps that were made, and received arms for that purpose [68]: besides they acted as orderlies to the officers down to the decurion [69]. A great many of them must have returned home from the short Roman campaigns without having come to blows, and frequently not without booty.

* Above pp. 252. 324.

967 Even Cato in his time only knew them as *ministratores*. Varro de L. L. VI. 3. p. 92.

68 This is the account given by Varro in the same place of the *adscriptivi*: and the passage quoted from him in Nonius de Doct. Indag. (XII) n. 8. v. *accensi*, shews that in the section *de adscriptivis* he treated of the *accensi*. Their identity as a body of reserve is also recognized by Festus in the Epit. v. *adscriptitii*: so is that of the *velati* both there and again v. *velati*. Whether they were really also the same with the *ferentarii*, as is asserted, that is, whether both together were embraced under that name, and whether their business was to supply the soldiers in battle with arms and drink, are questions I leave undetermined. He that rejects my hypothesis, has to shew in what way then the assiduers, who stood below the fifth class, served and voted; and from what other body the *accensi*, who in the earlier form of the legion made up thirty maniples, can have been taken. Livy too mentions them along with the fifth class.

69 Varro in the same passage of Nonius.

As these held the lowest rank among the assiduers, the carpenters on the other hand had a place allotted them by the side of the first class. Cicero only gives them one century: and if we were confined to placing credit in the testimony which most deserved it, I at least should not hesitate an instant about choosing between him and the two historians. However here again a sure trace is afforded us by the relation among the numbers. I shall speak further down of the comitia held in the camp*; where consequently none but the junior centuries and the five attached to them, the *fabri*, *accensi*, *velati*, *liticines*, and *cornicines*, were present: in these no distinction existed between the juniors and the seniors, any more than among the knights. Now the junior centuries amounted to eighty-five; so that along with these five they made up three times thirty, the number which pervades the earliest institutions. I conceive that this observation decides the matter; and at the same time that we may here catch a further glimpse of the reason why, even if the returns of the census had deviated considerably from the above-mentioned scheme, the number of centuries in the classes would still have been fixed at just 170.

The proletarians in the most precise sense of the name, according to Gellius[970], were those who gave in their property under 1500 ases, and above 375: such as came below this mark, and those who had nothing at all, were called *capitecensi*: in a wider sense, and as contrasted with the assiduers, both these divisions were comprised under the name of proletarians. That they formed two centuries, the proletarians and the *capitecensi*, we should find expressly stated in Cicero, but that the leaf of the manuscript with the continuation of his account of the centuries, which breaks off with the word *proletariis*, has been lost[71]: it began beyond all doubt with the words

* See p. 419.

970 Gellius XVI. 10.

71 The sixth leaf of the eighteenth quaternion.

capite censis[972]. Cicero reckoned 96 centuries for the last four classes and the six odd centuries attached to them: which number is made up, if, after the *accensi, velati, liticines, cornicines,* two more are placed; to wit, the *proletarii* and the *capitecensi*[73]. Thus there would be 195 in the whole.

[972] Let nobody guess that it was the century *ni quis scivit;* which was improperly termed a century, and was only called into existence when some one stated that he had neglected to vote in his own.

[73] Cicero has unfolded the whole system of this constitution with admirable skill, at the very time that he declines giving a dry list of the classes. Ignorant scribes indeed, and that unfortunate set of book-correctors who waited upon the booksellers of antiquity, and who, as they even boast in the declarations at the end of their manuscripts, improved them for sale *sine libris pro viribus ingenii,* found him unintelligible; and thus through careless transcription and stupid and rash alterations did that hideous corruption arise which disfigures the passage. I have the same clear and conscientious conviction that the restoration I have proposed in another place is correct, which I have of the truth of my historical propositions. (The emendations suggested by the author in Mai's edition were afterward reconsidered by him in a tract *Ueber die Nachricht von den Comitien der Centurien im zweyten Buch Cicero's de re publica,* and in a controversial *Duplik gegen Herrn Steinacker*). Perhaps others will feel no less certain, if they can but clearly see the manner in which the corruption was produced. That a person not familiar with manuscripts, and especially with very old ones, however free he may be from prejudice, or capable of pronouncing an opinion on such matters, will still find it difficult to enter into the following description, may easily be supposed: but this deficiency does not give him any higher qualifications for passing judgement. The clew in the labyrinth, as must be evident on the candid consideration of the passage in its disorder, is, that Cicero divided all the centuries into two masses: one contained the first class and the carpenters attached to it; the other all the rest, the knights and the 96 centuries. And then he says, if from among the latter but the knights alone joined the former, the 96 centuries, even if they kept inseparably together, were outvoted.

The text in its sound state ran thus: *Nunc rationem videtis esse talem ut prima classis, addita centuria quæ ad summum usum urbis fabris tignariis est data,* LXXXI *centurias habeat: quibus ex* CXIV *centuriis, tot enim reliquæ sunt, equitum centuriæ cum sex suffragiis solæ si accesserunt etc.* In a passage of this kind a reader commonly makes the calculation; and thus some one having written on the side *decem et octo,* as the number of the centuries in the whole equestrian order, it crept into the text of a manuscript; so that the clause now ran: *equitum centuriæ cum sex suffragiis decem et octo solæ si accesserunt.*

Now a line of this was left out—the words *eq. c. c. s. suf.* X. *et*—then supplied in the margin, and in the transcript foisted into the wrong place, after *talem ut;* so that now the passage was sheer nonsense, and read as follows: *Nunc rationem videtis esse talem ut equitum centuriæ cum sex suffragiis* X *et prima*

The proletarians stood on a lower footing, not only than the classes from the insignificance of their share in the right of voting, but than all the assiduers in their civil capacity and estimation. An obscurity hangs over the question how one citizen was a *vindex* for another: none however below the assiduer could be so for his fellow*: and the phrase *locuples testis* demonstrates that, even in giving evidence, there was a distinction humiliating to the poor[974]. Where such was the case, it cannot be supposed that the proletarians were eligible to plebeian offices. But to make amends for this they were exempted from taxes[75].

Whether the five classes were on a perfect level as to their eligibility to offices, is a point on which nothing is known. What is said concerning their being represented by the tribunes when the number of these was raised to five†, seems certain; and therefore probably each severally elected its deputy, and out of its own body.

The sums at which the plebeians and ærarians stand rated in the census, were not the amount of their fortune after our notions, which account every kind of income capable of transfer by inheritance or alienation, a part of the capital; but only that of such property as they held

classis ad. c. q. a. s. u. u. f. t. e. d. LXXXI. *c. h. q. e.* CXIV. *c. tot enim reliquæ sunt octo solæ si accesserunt etc.*

Now came the ignorant emender, and fancied to put sense into it out of his own head. The word *octo* had remained in its place: soon afterward the 96 centuries are spoken of: now as 96 and 8 make 104, CXIV was altered into CIV. In the same way X was struck out further back after *suffragiis*, because it did not even give a shadow of meaning. What gave rise to the LXXXVIIII, was that a reader added up the same VIII with the LXXXI.

* Gellius XVI. 10 from the twelve tables: Assiduo vindex assiduus esto: proletario quoi quis volet vindex esto.

974 That *locuples* and *assiduus* were equivalent, we learn from Cicero de Re p. II. 22. Gellius too says: Assiduus in duodecim tabulis pro locuplete et facile facienti dictus.

75 The etymology for the name of the opposite class, the *assidui*, *ab asse dando*, implying that they are liable to be taxed, is evidently right.

† Below note 1281.

in absolute ownership; perhaps to the exclusion of many kinds even of this. I have said the plebeians and ærarians: because it is scarcely credible that the patricians should originally have given in a return of their fortune and paid a tax upon it; the census did not furnish any measure for their wealth. For the estates in the public domains which they possessed and enjoyed the usufruct or made grants of, transmitting by inheritance the same possession and right of making such grants, under a reservation of the sovran's title to resume the lands to himself and to dispose of them otherwise, cannot have been returned by them as property. They were only a possession for a time: such refinements as those by which among modern nations a partial value to be considered as absolute property[976] is extracted from a life interest, were unknown to the ancients. As to the persons liable to taxation, it is obvious that all those things, which, as objects of Quiritary property, were in the strictest sense called *res mancipii*[77], —such as brass coin, houses, landed freeholds, the rights attached to them, implements of husbandry, slaves, beasts of burthen and draught, and horses—were comprehended in the census. But this statement of the legal writers may have been too confined for the early ages, even as an enumeration of such things as belonged to that particular kind of property: flocks of smaller cattle appertained to husbandry, just as much as beasts of draught and burthen; and the transfer of property in them would not be attended with fewer formalities; although it was not worth the trouble to employ the balance and to call witnesses for the sale of a single goat or a single sheep. Gaius pronounces silver and gold to be *res nec mancipii:* yet

[976] For the sake of representing a freehold.

[77] If scholars, remembering the mode of writing the genitive *Tulli* and the like, would look for nothing else in *mancipi* than the genitive of *mancipium*, property, and would make this apparent by their way of spelling it, we should be rid of a useless puzzle.

Fabricius and Rufinus gave in a return of their wrought silver to the censor*: and so, even if *res mancipii* and *censui censendo* were equivalent from the beginning, we cannot from the lists in him and in Ulpian draw any certain conclusion as to the extent of the objects which formed the component parts in the census of a Roman citizen. It is at least possible that at one time every thing which did not come under the head of mere possession, granted whether by the state or by patrons, was *res mancipii* and was called so; that the title to a ship might be maintained in court just as well as that to a house; and that the whole of this was reckoned into a person's capital. But a decisive discovery on this point is just as little to be hoped for as on the mode of assessing the capital. An actual valuation would have been impracticable: mention is made of a formulary used by the censors[978]: hereby we must doubtless understand a table of rates for every kind and sort of taxable objects, which rates might be applied to particular cases by multiplication.

Not only however were many elements of wealth omitted in the census: what made it still more inadequate as a criterion of property, is, that debts, as the sequel of this history will shew, were not deducted †. It would be a most fruitless effort, to pry into the numbers in the scheme of the centuries with the hope of discovering something that may throw light on the wealth of ancient Rome.

A peculiar stumbling-block, in every attempt to arrive at an understanding of the census, lies in the numbers employed as measures of property; which sound so enormous. In an explanation of the institutions which are regarded as the acts of Servius Tullius, this difficulty

* Florus I. 18. 22: and the passages quoted by Camers in the note.

978 Livy XXIX. 15. Placere censum in coloniis agi ex formula ab Romanis censoribus data.

† See the text to note 1210.

must somewhere or other be elucidated; the more so, since the coining of the first Roman money is also attributed to him: wherever such a discussion were inserted, it would be an episode; and if it comes in here, before the inquiry into the nature of the tribute which corresponded to the census, there is no other place, I believe, where it would not still more interrupt the connexion of this work.

Dionysius gives the census of the classes in drachms, whereby he means denaries: for these were originally minted of the same weight and value with the Greek silver coin; and even after they had been clipt and debased, it continued usual, at least in the language of books, to designate them by the Greek name. His numbers in drachms are exactly the tenth of Livy's, whose estimate is in ases [979]: and this was the proportion between them, before the as was lowered to an ounce in weight. But the ases weighing the sixth of a pound, with which the statement of Dionysius agrees, were themselves on a reduced scale: and it is impossible to discard the question, what was the value in silver of the sums forming the scale of the census at the time the centuries were instituted; when, as is universally taken for granted, the as weighed a full pound. The thought which first suggests itself, is, that it must then have been worth in silver $\frac{6}{10}$ths of a drachm, or nearly 4 obols.

It was a remarkable and very distinguishing peculiarity of the nations in the middle of Italy, to employ copper in heavy masses as a currency, not silver: whereas the southern provinces, and the coast as far as Campania, though here the mode of computing by ounces was not unknown, made use of silver money. That the Etruscans, Umbrians, and some of the Sabellian tribes, coined copper, is proved by the inscriptions on specimens that remain: as to Latium and Samnium no such pieces of their money

979 With regard to the fifth class they follow accounts that differ.

with inscriptions have been found, any more than silver coins of theirs belonging to an early age[980]. But the great variety in the form of the ases without inscriptions shews that they must have been minted in many towns: the large sums of brass money the Roman armies obtained amid their booty in Samnium, while but an inconsiderable weight of silver was carried home in triumph, evince that the former was the currency there: so was it undoubtedly in Latium: and a part of those nameless coins probably belonged to these two nations. Rome had the same system of currency; and according to a tradition, which very clearly proves how far and wide Servius Tullius was celebrated as the author of all institutions on civil matters of importance, he was named by Timæus as the person who first stamped money at Rome; the people before his time having employed brass in the lump, *æs rude*[81].

We will let this account take its place by the side of other stories about our hero: a further statement connected with it, that the impress on the first ases was an ox, must be rejected as positively wrong. For a piece with that impress has been preserved[82], as to the genuineness of which there can be no doubt: an impostor would have given it the full weight of a pound; but it weighs only eight ounces: and although no Roman as hitherto discovered is quite equal to a full pound in weight, yet there are many far heavier than that one; not to mention that we have no ground to question there having been ases of full weight, though they have now disappeared. The pieces Timæus had heard of, were not coined till after the standard had already undergone several reductions. There would be nothing unwarrantable in supposing that

980 The denaries of the Latin colonies are all of them more recent than the oldest Roman.

81 Pliny, H. N. xxxiii. 13.

82 Eckhel Doctr. num. vet. v. p. 14. The oblong pieces with an ox on them (p. 11.) likewise belong to this class.

this unusual image contained a reference to the law of the consuls C. Julius and P. Papirius, who, when certain fines had been imposed in head of cattle, reduced the value of each several head to money[983].

If instead of money, properly so called, which is only a measure of value, some commodity or other, which as such is an object of demand, be employed, one of the disadvantages of necessity connected with it is the inconvenient size of the particular pieces: thus it is with the pieces of cloth or of rocksalt in Abyssinia, with the cocoa in Mexico; nor was it otherwise with the brass in ancient Italy. The brass I say: for it is only to avoid singularity of expression, when it can be avoided, that I follow others in giving the name of copper-money to what in reality is bronze; copper, rendered fusible by an admixture of tin[84] or zinc. How very general the use of this metal was, is proved by the armour of the Servian legion: and there can be no question that all the better household utensils were of the same material. Brass was a thing of daily need; and the masses of it were so easily transformed by fusion, that nobody was put to any loss by that process: at the same time the impress stamped upon it saved the trouble of weighing. Nothing but a very ill-timed recollection of what is the established practice among ourselves, has given rise to the notion that the quadrangular or oval pieces were not money just as much as the round: and hence it may be very well explained how pieces came to be coined of still greater weight than an as, up to a *decussis*. Even in late times, perhaps in those of Timæus, the Ligurians, poor as they were, had shields of brass[85]. This general use implies its abundance and cheapness: to be employed for the armour of all the

983 Cicero de Re. p. II. 35, compared with Gellius XI. 1.

84 As Klaproth has proved by analysing some.

85 Strabo IV. p. 202. d.

hoplites, brass must have been procurable at a lower rate than iron: and indeed foreign merchant-vessels in the Homeric age bring iron to Italy, to obtain a cargo of copper[986]. The produce of coppermines is very variable; and those of Tuscany, especially in the country about Volterra, not to mention that in that depopulated region they may be neglected without sufficient reason, may now be exhausted, and notwithstanding may once have been immensely productive: to this was added the produce of the mines in Cyprus, ascertained to have been enormous; the influx of which into Italy is attested by the Latin name for copper. The dependence of that island upon the Phenicians in very remote times opened a way for this to the Punic marts; and Carthaginian vessels must have brought it into Italy. The low price consequent on such plenty agrees with every thing that is known concerning the quantity of brass money and its value in the times before the introduction of silver money. Ten thousand pounds of it for the purchase, two thousand annually for the keep of a knight's horse, are sums which, judging from the weight and the market price, would in later times have been so extravagant as to be utterly inconceivable. The heavy copper money was piled up in rooms[87]; and it is recorded that during the Veientine war individuals sent the tribute due from them to the state in waggon-loads to the treasury[88]. The younger Papirius in his triumph after the Samnite war brought with him above two million pounds weight of copper

[986] See above p. 52, note 172. Mr. Arnold, the scholar who introduced the first edition of this history to the English public by a friendly review, has called my attention to an opinion of Werner's—which a German indeed ought not to have had suggested to him by a foreigner—that copper, which of all metals is the most frequently found pure in the ore, for this reason probably was also the first among them all that was wrought. He further remarks in support of the view in which it gives me pleasure to find him concurring, that the Massagetes according to Herodotus (I. 215.) had only brass, no iron.

[87] Varro de L. L. IV. 36. p. 50. Non in arca ponebant, sed in aliqua cella stipabant.

[88] Livy IV. 60.

money*; Duilius still more[989]: in both cases the money of this kind far surpasses in value the silver brought in conquest from the same war. Whether, at the time when the census was introduced, the as was still full weight, or had already become lighter, is beyond our knowledge: thus much however is evident from a comparison of prices, that Dionysius, so far as any thing like a proportion can be made out by calculation, was justified in assuming that the old as was of the same value relatively to silver with the as reduced to the weight of the old sextant: in other words, the weight of the brass coin was diminished, because the metal had become so much dearer in comparison with silver.

It is a gross mistake in Pliny,—and one quite unpardonable, since he must a thousand times have seen pieces of money which palpably confuted his errour,—to regard the first reduction of the as which he may have found recorded in the Annals, as the first actually made. Even at the present day every collection of pieces of heavy copper money produces the most striking conviction, that the weight was only lowered to two ounces by degrees[90]. The rise in the price of copper is attributable to the same causes which enhance its value when the currency is in a nobler metal; to the decrease in the produce of the mines, and the increase in the consumption and the exportation of it. The weight may have begun to be diminished very early: if however the coin which Timæus held to be the oldest, referred, as I have suggested, to the establishment of a determinate sum for mulcts; at the time of that measure it was still four times as heavy as after it had been lowered in the first Punic war. Now

* Livy x. 46.

989 2100000: as appears from the inscription on the column.

90 It would throw light on the history of the arts if the impresses on the ases and the lesser coins were attended to, in connexion with the gradual diminution in their weight; since they exhibit the execution of the Roman artists in a regular series through more than two centuries. The most recent may have followed ancient models: in the oldest we see what the art was already able to effect.

as the consuls Julius and Papirius rated the value of a sheep at ten ases, so at Athens, where the currency was silver, it was estimated by the laws of Solon at a drachm[991]; an ox, which the Roman law valued at a hundred ases, at Athens was only worth five drachms. It is probable that between the time of Solon and the Peloponnesian war there had been a general rise of prices through Greece and Italy; and an ox at Rome too about the year 160 may probably have sold for no more than fifty ases: what I am aiming at, is only to shew, that of the heavy ases, no less than of the lighter, ten may on the average be taken for equivalent to a drachm. On this point the prices of corn are decisive; if the diminution in the weight of the as had lessened its value as money, there must of necessity have been a nominal increase in the price of corn.

This was regarded as singularly low about the year 314, when corn fell to an as a modius: but an equally low price was recorded by the chronicles in the year 505, when the as no longer weighed more than two ounces[92]: and a hundred years later, when copper, having been cut down to a twelfth of its original weight, was merely used for a small currency, and all prices were rated in silver, wheat often sold in Cisalpine Gaul for no more than two light ases[93]. On the other hand after the dictatorship of Sylla the modius in Sicily was at two or sometimes three sesterces, that is, from 8 to 12 depreciated ases, two to the ounce[94]: and these were customary prices in an age when the money value of every thing had risen to several times its ancient amount; while the

[991] Gellius XI. 1. Demetrius Phalereus in Plutarch Solon. c. 23. p. 91. b.

[92] Pliny XVIII. 4. As this was in the first Punic war, Italy must at that time have been accustomed to export corn, and was now suffering from a glut in consequence of the stoppage.

[93] Polybius II. 15. He says, the Sicilian medimnus often sold for 4 obols, or two thirds of a drachm: the denary already consisted of 16 ases. Borghesi has completely proved that the last diminution of the as was not before the time of Sylla.

[94] Cicero against Verres 2. III. 75.

former was so extremely low, as to be deserving of notice in the chronicles. Now had not the price of brass been rising continually, so that the weight of it which corresponded in value to a fixed quantity of the universal currency, silver, was constantly diminishing, the price, which three centuries and a half before was unusually small, must have been twice or thrice as high as the above-mentioned common market prices.

The deterioration of the coinage in the manner usual among barbarous nations and in ages of ignorance is mostly to serve very stupid, nay profligate ends: nevertheless there may also be a state of things in which it is wise, and even necessary, to adopt a lower standard. Through a nation's own fault its own smaller currency, or through circumstances that could not be forestalled lighter money from abroad, may have become predominant and have driven the heavier out of circulation: the wish to restore it were to swim against the stream, and can breed only mischief and disgrace. If a state has fallen into the unhappy system of paper money; if this sinks in comparison with silver; then should a juncture of fortunate circumstances furnish the means of reestablishing a metallic currency; in a case of this kind it is altogether absurd, nay absolutely disastrous, to do so in such a manner, that the metal shall resume its place with its standard unchanged, and yet that the sums in all contracts shall abide by their nominal amount, while it is impossible to keep up prices at the same highth at which they stood in the time of the paper circulation[995]. Nay if, even without paper money, all prices have been forced up for a course of years by extraordinary circumstances far above the mean of those which prevailed during the preceding generations; if the expenses and burthens of the country have increased at the same rate; and then

995 In this way the state has to pay a fictitious debt: whereas of itself every funded system, if prolonged without a reduction, first creates a herd of idle and ignorant fundholders, and of beggars, and after all ends in a bankruptcy, which only comes too late.

the feverish condition should subside, and every thing drop down for a continuance to the lowest average prices; in such a case there is no hope of safety except in a proportionate reduction of the standard: and to this result common sense has in former times led men, whereas theory and delusion now raise their voices against it[996]. At Rome the exigency was still more pressing. As in the middle ages, from the constant and unreplaced efflux of money toward the East, silver became scarcer and scarcer on this side of the Alps, and all prices kept on progressively falling; so at Rome, as we have seen, copper gradually grew dearer in comparison with silver, and consequently with all other commodities: and this, although Rome had no national debt, and her citizens no hereditary mortgages, must still have produced extreme hardship and distress in a number of instances. The pay to the horsemen and foot-soldiers stood fixed at a stated number of ases: though the countryman now received fewer ases for his crop, his tribute notwithstanding came to the same sum, as if money were not worth more than formerly. This of itself would be enough to settle the question: yet without doubt the times when reductions were resolved upon, were chiefly those when the state was desirous of relieving the debtors: and our history presents so many such occasions, that surely there is good ground for believing we may discover with tolerable accuracy when those progressive diminutions in the weight of the as, which the collections exhibit to us, took place.

From the time when Rome had acquired the dominion over Campania and in the south of Italy, where silver was in general circulation, more complex causes were at

996 In the years from 1740 to 1750 corn in England sold for about three fifths of the price it had stood at 60 years earlier: in France the prices at the two epochs were nominally equal; because the standard had been altered in the proportion of 13 to 20. Supposing now that the landed property throughout the two countries had been burthened with considerable mortgages, thousands, who in the former must have been ruined, would have been saved in the latter; and that not only among the proprietors who would have retained their inheritance, but even among the mortgagees.

work. The tithes and farmed duties would come in from thence in silver: the silver coined in the South with the superscription of Rome undoubtedly passed into circulation within the city itself: at length denaries were issued as the national money. Now if a false proportion was assumed in doing this; if a *decussis* of thirty ounces in weight,—on which scale, as the number of pieces we find leads us to conclude, the coinage must have stood still for some time, although for a much shorter than on the scale of four ounces to the as[997]—was worth more than a denary; things must have gone on as they do now, when it is attempted to keep gold and silver in fixed and false proportions beside each other in circulation: the metal which is rated too low, leaves the country[98]. A direct proof that such was the case with the Italian copper money, is supplied by the immensely large sum Duilius brought out of Sicily, though the currency there was that of the Greeks, silver and gold: the copper must have been introduced by traffick; in exchange for silver. Now if brass grew dearer in consequence of the Punic war, because the importation of Cyprian copper and of tin was at a stop, the republic had no more choice whether she would lower her ases to the weight of a sextant or not, than France had forty years since about altering her gold coinage. If such a measure was not taken, all the money of that metal went out of the country; and the state lost as much as its nominal value was too low. The rise of copper still continued; and two ounces were still too heavy: but when the weight was reduced to one, this was going too far, and it was necessary to make the sesterce equivalent to four ases.

997 Here surely I may say with confidence, ever since the secession to the Janiculan; that is, during about thirty years.

98 That trafficking in money and speculations in different sorts of it were by no means unknown to the ancients, is proved by a remarkable passage in Xenophon de Vectigalibus 3. 2. The Attic drachms were of fine silver; and Xenophon was very well aware that a state benefits itself by coining good money.

It is our duty attentively to investigate, in what way the authors through whom we derive our knowledge of ancient history, have been led to the misunderstandings they have fallen into; and thus to find an excuse for their errours, instead of abusing them. This like every act of dutifulness has its reward: for the discovery of the place where they went astray from the right road, establishes the course that it takes. Pliny confounded the as which was employed for a measure in calculating the amount of the *æs grave*, with the full-weighted coin. The former was resorted to from necessity; since copper money was used so far and wide, but in all varieties of size: everywhere the weight was reduced, owing to the same causes as at Rome; but, inasmuch as it was in towns wholly independent of each other, the reduction was different in different places. All these monies are of the same metal; nor had a state any motive for allowing no coin but its own to circulate, since a seignorage was a thing unknown to antiquity: accordingly a hundred pounds, whether in the newest Roman money or in mixed sorts, were equivalent [999]. To bring all these to a common standard, was the end served by the use of the scales in bargains: these, as well as the witnesses, had a very important purpose, and were far from a piece of symbolical trifling. Had the old pounds continued undiminished, and no others been current, the scales could never have been thought of: payments would have been by tale. The weight supplied the means of establishing a common measure for the national money and for all these divers sorts; and no less so for the old Roman coins, without any necessity of melting them up again, unless for every-day use; hence they might continue to circulate. It is an utter misapprehension to attach the name *æs grave* to none but the heavier sorts: it bore the same relation to minted ases,

[999] That this is not a bare possibility, that the greatest variety of pieces were in circulation at the same time, is plain from the coins often dug up out of a single heap.

that pounds of silver do to pounds sterling. This whole mode of reckoning ceased, when the currency became silver, and the practice of counting by sesterces was introduced: from that time forward wherever ases are spoken of, coined ones are meant: so an antiquarian might very correctly say that in the first Punic war the Romans passed from the use of money in pounds to using ases reduced to a sixth: and then the mistake into which Pliny, or some one before him, fell, lay close at hand.

I return after this digression to treat of the census. Every Roman was strictly bound to make an honest return of his own person, his family, and his taxable property; and his neglecting to do so was severely punished. The laws also provided the means for detecting false returns. All children on their birth were registered in the temple of Lucina; all who entered into youthhood, in that of Juventas; all the deceased, in that of Libitina; all sojourners with their wives and children, at the Paganalia: obsolete institutions, which Dionysius knew of only from the report of L. Piso[1000]. All changes of abode or of landed property were to be announced to the magistrates of the district, the tribunes or the overseers of the *pagi* or *vici*: which Dionysius misinterprets into a prohibition against any body dwelling without the region of his tribe[1]. In like manner notice must have been given on every alienation of an article liable to tribute; and the purpose of the witnesses prescribed by law, who confessedly represented the five tribes, was at least just as much to trace the object of the sale for the census, as to insure the proprietor. One sees that these enactments made it necessary to write a good deal; and for this to have been done in the service of the state, is not at variance with the scarcity of books.

It was by the plebs that the regular tax according to the census was paid: its very name, *tributum*, was deduced

1000 IV. 15.   1 IV. 14.

from the tribes of this order[1902]. It was an impost varying with the exigencies of the state, regulated by the thousands of a man's capital in the census; but far from a property-tax anywise corresponding to the income of the tributary class: for the stories about the plebeian debtors plainly shew that a person's debts were not deducted in the valuation of his fortune[*]. It was a direct tax upon objects, without any regard to their produce, like a land and house-tax: indeed this formed the most substantial part of it; included however in the general return of the census[3]. What must have made it peculiarly oppressive was its variableness[4]. It did not extend below the assiduers: what the proletarians had, they merely made a return of. The notion that they paid a poll-tax, is built on an unfounded interpretation of a tribute *in capite*, or more correctly *in capita*[5], which is mentioned as distinct from the tribute according to the census, and the nature of which I believe will appear from the following explanation.

The purchase-money for a knight's horse is called by Gaius *æs equestre;* and he tells us that there was a

1902 Varro de L. L. IV. 36. p. 49. Livy reverses this, saying, *tribus appellatæ a tributo.* I. 43. The tax was levied according to the tribes: Dionysius IV. 14: by the Tribuni ærarii: Varro IV. 36.

* See the text to note 1210.

3 Beside these two taxes, it embraced many of those which in England are called *assessed taxes;* only there were differences of form. With regard to landed property at least the only possible method was for a survey to be taken according to regions, corresponding with the census; so that an estate which was disposed of to a Latin or a Cærite not resident at Rome, did not escape paying tribute, although he could not be cited in person.

4 The distress and weakness of Rome until the Licinian law are a memorable instance of the pernicious consequences of making a land-tax the chief source of the national revenue; especially when it is borne by one class alone, which thus finds itself in the same relation to the privileged class, as a landowner in a heavily taxed country to one where the burthens are less.

5 Festus v. tributorum conlationem. Since the *tributum in capite* is the first mentioned, it surely cannot have been insignificant. When, to shew the last honour to a statesman, a general decree of the people provided for his funeral (p. 370) by levying a quadrant or sextant ahead, this indeed was also a *collatio in capita*, (Livy II. 33), but of another kind; and the proletarians had the honour of joining in contributing what even the poor could give.

right to distrain for it[1006]: this however ought not to excite any doubt about Livy's statement, that it was paid out of the common treasury; since there was the same summary process against the *tribunus ærarius* for the *æs militare*[7]. The annual provision for a knight's horse the lawyer terms *æs hordearium*. With regard to the latter, Livy's account, that every knight received it from a widow, sounds exceedingly strange: for, even if it was confined to but a few hundred, so large a number of rich widows seems inconceivable. In the first place however the word *vidua* is to be understood, after its original meaning which is recognized by the Roman jurists, of every single woman generally, maiden as well as widow[8]; and therefore of an heiress (ἐπίκληρος): and then Livy has also forgotten the orphans. Cicero, in citing the example of the Corinthians, among whom the horse-money for the knights was paid by rich widows and orphans[9], as the prototype of the Roman institution, obviously attributes the same extent to the latter: and now we have a perfect explanation why the orphans and single women (*orbi orbæque*) are mentioned separately in the population-returns[10]. It is true they did not come under the general principle of the numeration: boys, who were not yet called out to military service, could not stand in their own capacity registered in a census which represented the muster-roll of an army, with everything belonging to it: still less could women;

1006 IV. 27. By the by, ab eo qui *distribuebat* cannot stand there, and must be changed into a. e. q. *æs tribuebat*.

7 Cato in Gellius VII. 10.

8 In consequence of the change that had already taken place in the use of the word, this explanation was given by Labeo; in the abstract of Javolenus I. 242. D. de verborum signific. Viduam esse non solum eam quæ aliquando nupta fuisset, sed eam quoque mulierem quæ virum non habuisset: and even Modestinus still says I. 101. eod. tit. Adulterium in nuptam, stuprum in viduam committitur.

9 De Re p. II. 20.

10 The common phrase in Livy is; censa sunt civium capita,—præter orbos orbasque.

they could only be set down under the *caput* of a father or husband. But the peculiarity in the mode of taxing them is the decisive cause of the anomaly. It can only have been for a season, if the bachelors were bound to pay on the same footing with those two classes, as Camillus is said to have enacted[1011]: there was not the same cause here. For in a military state it could not be esteemed unjust, that the women and the children were to contribute largely for those, who fought in behalf of them and of the commonwealth.

The same was reasonable with regard to those who voted in the centuries without being bound to military service: for none but such as belonged to a plebeian tribe, came under the regular annual conscription: others were called out merely in extraordinary cases, and when civic legions were formed. He who was turned out of a tribe, thereby lost the right of serving in the legion: the levies were made according to the tribes[12]; for which reason moreover the century in the original legion consisted of thirty men, one from each tribe; and was reckoned at twenty in the Annals for the time when the tribes were reduced to that number[13]: this principle of

1011 Plutarch Camill. c. 2. p. 129. His notion that the orphans had previously been exempt from tribute, must go for nothing.

12 Dionysius IV. 14. I will transcribe this passage, which I have already often referred to, in the manner in which it must be read and stopt: the words in brackets are interpolations. Τοὺς ἀνθρώπους ἔταξε τοὺς ἐν ἑκάστῃ μοίρᾳ οἰκοῦντας μήτε λαμβάνειν ἑτέραν οἴκησιν, μήτε ἄλλοθι ποῦ συντελεῖν· τάς τε καταγραφὰς τῶν στρατιωτῶν καὶ τὰς εἰσπράξεις τὰς γινομένας τῶν χρημάτων εἰς τὰ στρατιωτικὰ καὶ τὰς ἄλλας χρείας, ἃς ἕκαστον ἔδει τῷ κοινῷ παρέχειν, [καὶ] οὐκ ἔτι κατὰ τὰς τρεῖς φυλὰς τὰς γενικὰς, [στρατιωτικὰ] ὡς πρότερον, ἀλλὰ κατὰ τὰς τέσσαρας τὰς τοπικὰς [καὶ] τὰς ὑφ᾽ ἑαυτοῦ διαταχθείσας ἐποιεῖτο. His errour in taking the four civic tribes for the only local ones is of no consequence.

In a war of little importance when only half a complete army was to be sent out, the number of the tribes being then twenty-one, soldiers are levied from but ten of them. Livy IV. 46. Decem tribus sorte ductæ sunt; ex his scriptos juniores tribuni ad bellum duxere.

13 The passages in proof of this, as their meaning would not be quite clear yet, will be found below in note 1025.

raising troops by the tribes lasted as long as there was any distinction between the plebeians and ærarians. Now we find that the clients had votes in the centuries; for by their means their patrons exercised a powerful influence in the elections: nay, when the plebeians made desperate by oppression withdrew from the comitia of the centuries, the election might still be concluded without apparent informality by the clients alone [1014]. At the same time they were so far from serving in the legion, that, during the first disputes with the plebeians, the arming the clients instead of them is only talked of as a measure of extreme necessity *. The stories which tell us that in the earliest ages of the consulship such as were only isopolites voted in the centuries, may be altogether apocryphal: still they shew what the ancient institutions were; just like the above-mentioned pretended protocols of solemn transactions under the kings †. In later times a citizen of a confederate state, on complying with certain conditions, was entitled to remove to Rome and be registered there; and, like the slave, who received his freedom, and secured it by causing himself to be registered in the census with his master's consent, necessarily acquired the civic franchise, but without on that account becoming the member of a tribe ‡. We shall never be able to make out in those dark ages, whether every town entitled to an interchange of franchises did not perhaps form a bond of hospitality with some family or some house; whereby such of its citizens as settled at Rome found a clientary relation already established for them which it was necessary to adopt: or whether it rested at the option of such Latins and Cærites to choose a patron or to maintain their own interests in person. At all events thus much is certain, that they and the descendants of freedmen were ærarians, and were not enlisted in the field-legions. So that the exacting a higher tribute from

[1014] See below notes 1230—1235.

* Below note 1237.

† Above p. 296.

‡ Below note 1243.

them was just as fair as from the purveyors for knights' horses: and since their fortune was in the main of a totally different kind from that of the plebeians or free landholders, being the produce of commerce and trade, a different system was also appropriate; namely that of rating the property of individuals at a valuation[1015]. This arbitrary taxation arose so essentially from the circumstances of the class, that it was even exercised against one of the most illustrious Roman citizens, when the abuse of a formal official right had degraded him from his tribe and placed him among the ærarians: the census of Mam. Æmilius was octupled by the censors[16]. We may readily believe that every inhabitant also paid a stated sum for protection; but it must have been very trifling: now this, together with the rates imposed individually on the ærarians, and the funds for knights' horses, must surely be the *tributum in capita* spoken of[17].

To an arbitrary taxation of this kind must the commonalty have been subjected before the legislation of Servius, which substituted the regular tribute according to the census in its stead; and hence came the story that down to this time a poll-tax was paid, and that the burthens of the poorest and the richest had been the same[18].

1015 A kind of tax on permits for exercising trades, rated according to an estimate, such as of late years has become general on the continent, under the name of *Patentes* in France, of *Patentsteuer* and *Gewerbsteuer* in Germany.

16 Livy IV. 24. Octuplicato censu ærarium fecerunt.

17 The commentator on the orations against Verres, wrongly called Asconius, had correct information on this point: on the Divin. 3. Censores cives sic notabant ut—qui plebeius esset in Cæritum tabulas referretur et ærarius fieret; ac per hoc non esset in albo centuriæ suæ (the century here is taken as a *pars tribus*, see n. 964.); sed ad hoc esset civis tantum ut pro *capite suo* tributi nomine *æra penderet*. The text here is garbled. The Laurent. MS. LIV. 27, which Lagomarsini collated as the most authentic copy of Poggio's transcript, reads: sed ad hoc *non* esset civis: tantum*modo* ut p. c. s. æra *præberet*.

18 Dionysius IV. 43. Ταρκύνιος κατέλυσε τὰς ἀπὸ τῶν τιμημάτων εἰσφορὰς, καὶ τὸν ἐξ ἀρχῆς τρόπον ἀποκατέστησε, και—τὸ ἴσον διάφορον ὁ πενέστατος τῷ πλουσίῳ κατέφερε. He had already said what amounts to the same under the reign of Servius Tullius: Livy too has: Censum instituit—ex quo belli pacisque munia non viritim, ut ante, sed pro habitu pecuniarum fierent, I. 42.

If this notion is absurd, even when the form it is put in is such, that the state is not to receive more from any citizen than the poorest can afford; it is an almost unparallelled example of thoughtlessness for a man of sense to set down in writing, as Dionysius has done, that Tarquinius the tyrant exacted a poll-tax of ten drachms ahead[1019].

I hazard the conjecture that the *æs militare*, for which the soldier had in like manner an immediate right of distraining, was originally a charge on the ærarians, as the funds for knights' horses were on widows and infants: that the very name of the *ærarians* came from this: and that the change which is represented as the introduction of pay, consisted in its being no longer confined, as it had previously been, to the existing number of pensions chargeable upon the ærarians; but so extended that every soldier received it: that now however the plebeians also, along with the exclusive obligation to serve in the foot, were likewise made universally and regularly liable to tribute for paying the army, which before may have happened in particular instances. And this may probably have been the view taken by those annalists more accurately acquainted with ancient times, after whom Livy relates, how the tribunes of the people complained that the tribute was levied for the sake of ruining the plebs *.

As to the patricians one cannot suppose that they were taxed like the ærarians: what befell Mam. Æmilius was an arbitrary act. The other ranks might be satisfied, if the patricians paid on the same footing with the plebeians for property of the same kind, while for the national lands in their occupation they contributed some suitable portion of the profits[20]. That this was

1019 IV. 43. Τοῦ δημοτικοῦ πλήθους—ἀναγκαζομένου κατὰ κεφαλὴν δραχμὰς δέκα εἰσφέρειν.

* See note 1213.

20 The payment of a tax on profits was among the Romans a decisive proof

the case under the kings, is probable even from the great public works, the means for executing which were supplied according to the Roman custom by the spoils of war; in part by the produce from the sale of booty; partly by the profits of the conquered lands, that is, by the rentcharge on individuals for the usufruct allowed to them. In after times the patricians had got rid of this charge; and for this reason, so long as they were the sole holders of authority, no building of any name was erected[1021].

The same law by which the plebeians, and they alone, were obliged and called to serve in the infantry, and which regulated the armour every class was to wear, will of course have forbidden the ærarians to procure themselves a suit of armour. Even among the plebeians, only the three upper classes were heavy-armed: and since every one had to equip himself at his own cost, the poorer, above all the proletarians, had not the means of providing the arms and armour without which they could not be a match for their richer brother plebeians. And though in those extraordinary cases where civic legions were raised, and even the artisans were enlisted, and where the proletarian moreover was supplied with arms by the state, necessity produced changes in this respect, they certainly did not outlast the occasion.

Now from observing the very large number of the centuries in the first class Dionysius has taken it into his head,—and he has brought over all the moderns to his opinion,—that at all events it had to pay very dearly for its preeminence and preponderance; because it was incessantly under arms, and that too in a far greater proportion than the others, making up nearly half of the

that the person who made it was only a usufructuary. The Greek notions on this point were different: among them Pisistratus as early as the time of which we are speaking, Hiero three centuries later, exacted a tithe as a property-tax from the landholders.

1021 For the tunnel from the Alban lake was certainly a Latin work.

whole legion. Now though it is true the early wars were not very bloody; no more so than the Greek wars were usually, before they took an entirely new character with the expedition to Sicily; still, such as they were, they must speedily have brought on a mere mob-government, if the flower of the respectable citizens had thus been abandoned year after year to destruction. We must not allow ourselves to impute an institution of this nature to the Roman lawgiver: it is worth while however to shew by other arguments than moral ones, which by many are little heeded, how far the opinion of Dionysius is from the truth.

The phalanx, that battle array of the ancient Greeks, which Philip only improved and adapted to the peculiar character of his subjects[1022], was originally the form of the Roman tactics also[23]. The mode too of arming the Servian centuries is Greek throughout, without a single distinguishing feature of the Roman legion. The chief weapon, and indeed the only one which the lansquenet could use until the battle was won or lost, was his spear; the length of which, even before Philip introduced the enormous sarissa, seems to have been such as to allow that the fourth line should still employ it with effect; so that for every man in the first rank four spear-heads were stretched out

1022 Had not the Macedonians been barbarians, strong in body, rude in understanding; had it not been inevitable that in a nation of this sort there should be a great poverty of officers who could be employed with any reliance on their abilities; had not Philip's destructive wars called for incessant supplies of raw recruits, who were to be made serviceable without delay; this great prince would assuredly have chosen a different system of tactics. But as it was, he turned the elements which he had at his command, to the best possible account: and he did not need anything else; since the Greeks, whose array was the same, persisted in that imperfect form of it, above which he had raised himself.

23 Livy VIII. 8. Clypeis antea Romani usi sunt: deinde, postquam stipendiarii facti sunt, scuta pro clypeis fecere, et quod antea phalanges similes Macedonicis, hoc postea manipulatim structa acies cœpit esse. Dionysius in his explanation of the centuries, and in the earliest Roman wars, often talks of the phalanx; and it cannot be merely from his seeking a Greek word for the legion: for in describing an Etruscan army he mentions the force with which the phalanx drives the enemy down hill.

to receive the enemy. Here we find an explanation of the differences in the defensive armour of the Servian classes: where the second had no coat of mail, the third neither this nor greaves. They might be spared the expense: for their contingents made up the hinder ranks, which were covered by the bodies and weapons of the men before them. This fact, that the first class formed the van, was known to Dionysius.

Among the hereditary forms which long outlived their causes, was the Roman practice of drawing up in file ten deep, handed down from the time when every century numbered thirty men. If the phalanx was uniform, such a century stood with three men in front: if however half of it was made up of men completely armed, while the other half were imperfectly so, it became necessary to form each century into six half files, instead of three full ones; in such a way that the half-armed should be stationed behind the men in full armour, in the sixth and the following ranks [1024]. Their mode of acting in the phalanx was almost wholly mechanical, by giving force to its onset and compactness to its mass. If the number of centuries furnished by the second and third class was only just the same as the juniors of those classes voted with, they formed but a third of the legion: the principle of the array would be the same; but it would have been in nine ranks, to avoid broken or mixed ones, which were contrary to the spirit of the ancient nations. And indeed the proportion between the numbers might lead us to assume that this was the array, instead of the one in ten ranks: but a statement worthy of unconditional belief

[1024] Dionysius, VII. 59, says of the second class, τὴν ὑποβεβηκυῖαν τάξιν ἐν ταῖς μάχαις εἶχε· of the third, τίμημα εἶχον ἔλαττον τῶν δευτέρων, καὶ τάξιν τὴν ἐπ' ἐκείνοις. So in IV. 16, to the same effect, the youth of the first class χώραν κατεῖχε τὴν προαγωνιζομένην τῆς φάλαγγος ὅλης· that of the second ἐκοσμεῖτο ἐν τοῖς ἀγῶσι μετὰ τοὺς προμάχους· of that of the third στάσις ἦν μετὰ τοὺς ἐφεστῶτας τοῖς προμάχοις.

proves, when it is explained and understood, that the latter was the true one, and places the scale on which the classes served with palpable conviction before us.

For this statement we are indebted to the kind genius, that on occasions to all appearance accidental has in every case preserved what, provided we are not lazy in searching, is substantially sufficient to revive the image of antiquity. The plan of the Roman consuls in the battle near Vesuvius to increase the strength of their army by departing from the worn track of the usual order of battle, led an annalist well acquainted with ancient customs to describe that order; and he did it so ably that, though Livy quite misunderstood what he was transplanting into his history, it may be completely restored. The arms had already been altered; the phalanx resolved into maniples: but this resolution did not change its composition. No man ever conceived a greater invention, than he who transformed that inanimate mass and organized it into the living body of a Roman legion; combining in it every variety of weapon, as in an army complete within itself, the absolute perfection of a military division; prepared to overcome every battle array and every kind of weapon, to subdue every form assumed by the spirit of war in nations the most different from each other. But this too is one of the great inventors whose names are buried for ever in obscurity: and yet assuredly we read his name in the Fasti, although in history it is stript of its most brilliant renown, even if, as there is ground for suspecting, it was Camillus.

The time and place for explaining this order of battle in detail will occur in the next volume. For the present those who have hitherto found me as far removed from hastiness as from insincerity, will take the following points as results, for the correctness of which I am their pledge until I bring forward my proofs. In the great war with the Latins the Romans still served according to the classes, but no longer in a phalanx. The first

class sent forty centuries, the exact number of the junior votes in it: thirty of these formed the principes, ten were stationed among the triarians: who must doubtless have owed their name to their being made up out of all the three heavy-armed classes. The second and third in like manner furnished forty centuries; twenty apiece, double the number of their junior votes: ten of each score made up the hastates who bore shields, and ten stood among the triarians. The fourth and fifth class again supplied forty centuries: the former, ten, the hastates who carried javelins and had no shields; the latter, the thirty centuries of the rorarians; which again was double the number of its junior votes. Here we have three divisions, each of twelve hundred men: the first of hoplites in full armour; the second in half armour; the third without any armour, the ψιλοί: and we cannot fail to recognize that the forms are such as belonged to the Roman state in very remote ages: the centuries are supposed to have their full complement, according to the original scheme, that of Servius, when there were thirty tribes[1025]. The

[1025] At the time of the Latin war there were seven and twenty tribes; and consequently just so many soldiers in a century: but this variable number would have given rise to perplexities. To obviate any misunderstanding, or from his own uncertainty, Livy uses the indefinite words *agmen, acies*, for that part of the legion which in our phraseology would be called a batallion; instead of the true name, cohort, which was afterward transferred to a very differently constructed part of the new legion. As the original number of the tribes furnished cohorts of nine hundred men, they cannot, when the tribes were only twenty, have consisted of more than six hundred.

This was rightly understood by the annalist, who wrote that, in the Volscian war of the year 292, four cohorts of six hundred men apiece were drawn up before the gates of Rome. Dionysius IX. 71. In 290 the legate P. Furius, when the Æquians were storming his camp, fell upon them with two cohorts, amounting to no more than a thousand men: ἦσαν δὲ δύο σπεῖραι, οὐ πλείους ἀνδρῶν ἔχουσαι χιλίων· where the translation of Gelenius *duæ cohortes quingenariæ*, which is meant to be free, introduces an erroneous notion. They consist of the principes, 600 instead of 900, and the heavy-armed hastates, 400 instead of 600. Dionysius IX. 63. Again L. Siccius commands a cohort of eight hundred veterans, who were no longer liable to service; that is to say, twenty from every senior century of the first class. Dionysius X. 43.

care to preserve numerical symmetry is again perceptible in the contingent of the fourth class being no more than equal to the number of its junior centuries; while in all the other three lower classes it doubles the number of theirs: there was no occasion for more javelin-men; indeed too many of them would have been an incumbrance. Now since the first class supplied the same number of centuries as the next two between them, we get the proportion conjectured above for the phalanx, five ranks made up of the former, five of the two latter.

The number of the light infantry was half that of the troops in the phalanx; which accorded with the Greek system. The *accensi* stood apart from the phalanx and the *caterva*, as they did apart from the classes. Their business being to take the arms and the places of the killed or missing, it was easy to manage this in such an order of battle: for the gaps that were made were naturally filled up by the man who stood just behind, and the next to him advanced into his place; so that the substitute had to come in far back in the rear, where the mass about him taught him perforce to stand, to march, to face about, and hardly anything was requisite except strength of limb. Well-trained men were only needed as serjeants and corporals, or in the companies at the end of the line, which by a wheel round might become the head of a column; and so on, more and more the nearer a company stood to the end.

Now although the first class was so far from being drained out of proportion to its numbers, that it rather looks, which however may be a mere delusion, as if the second had been unfairly dealt with from the love of numerical symmetry; yet the former did not gain its political privileges for nothing: for its centuries, as they formed the front lines, stood the brunt of the fight. The knights too

With such accuracy were these fictions adapted to the forms of ancient times: and thus the foregoing statements are evidence that both these propositions were recognized as historical,—that originally there were thirty tribes, and afterward only twenty.

purchased their precedence by a larger share of danger: for they were defectively equipt, easily disarmed, and more exposed than others to darts, and to the stones and lead of the slingers.

These hundred and twenty centuries, as they were standing under arms, may have given their sanction to the testament which the soldier made before a battle: for in its original spirit this ceremony can never have been a mere declaration before witnesses; but was just as much a decree of acceptance by the community for the plebeians, as it was for the patricians when the curies gave the authority of law to a testament or an alteration of gentile rights. And thus I have no doubt that the plebeian testaments were originally accepted in the comitia of the classes, the *exercitus vocatus*, on the field of Mars: the place of which assembly, when the affair was no longer anything but a form, might be filled by the lines in battle array, the *viri vocati;* although here the votes were differently balanced *. This difference however, and the neglect of the rights of the first class, would have been far from immaterial, when,—what assuredly happened very much oftener than the recollection of it has been preserved,—a real law was to be passed in the camp: as it is related that the decree of the curies against the Tarquins was confirmed by the army before Ardea. On such occasions therefore the constitutional proportion among the several classes was restored. If we call to mind the state of things, all the senior centuries were wanting: the junior, when the double contingents were reunited, came to 85; and besides there were the five unclassed ones, making in all ninety. Of these the first class with the carpenters had 41; the other four with the four odd centuries 49. Now a legion contained 300 horsemen, or ten turms; each of which was equivalent to a century of thirty men, and therefore no doubt voted like one: so that in this way

* See Velleius Paterc. II. 5. Plutarch. Coriolan. c. 9.

the knights and the first class together had 51 votes, and exceeded the lesser moiety by two: together all made up just a hundred. What were the circumstances attending the law in the camp at Sutrium by which a duty of five per cent was imposed on manumissions, is a very perplexing question; since it is stated to have been passed by the tribes [1026].

The regular comitia of the centuries of both ages were assembled on the field of Mars; every century under its captain. Summoned by the king, or by the magistrate who had stept into his place, they determined on such proposals of the senate concerning elections and laws as were put to the vote by the person who presided; with perfect liberty to reject them; but their acceptance did not acquire full force till approved by the curies. In capital causes on private charges, and where an offense against the whole nation was the ground of the impeachment, not where a particular order had to complain about a violation of its rights, they decided alone [27]. As it may be considered certain that the plebeians originally made their testaments in the field of Mars, just as the patricians did in the Comitium; so it would seem that, as an arrogation required a decree of the curies *, the adoption of plebeians must have taken place before the centuries. Nay the same may with great likelihood be conjectured of every transaction, for the formal completion of which it was afterward necessary to have five witnesses. As the curies were represented by the lictors †, so were the classes by these witnesses, when the consent of the comitia had become a matter of course; and since without doubt, so long as the ancient customs prevailed, the auspices were

[1026] Tributim Livy VII. 16.

[27] This at least is represented by Dionysius, when relating the trial of Coriolanus, to have been the principle of the constitution. VII. 59. On these occasions they would be summoned by the duumvirs of treason: and such Dionysius conceives to have been the process against Sp. Cassius: VIII. 77: my scruples on which point I will bring forward in the proper place.

* Gellius V. 19. † Cicero de Leg. Agr. II. 12. (31).

taken, at least in all transactions materially affecting personal relations, the formality was fully sufficient.

The liberties of the commonalty, as forming a part of a branch of the supreme power, were confined to this, that, if the legitimate course of things was not disturbed by force or by artifice, no national magistrate and no law could be thrust upon them against their decided negative. Out of their own body no proposition could originate; none could come forward and speak on the proposition that was laid before them. So that the sacrifice made by the patricians at this change was very trifling: in the senate they had at the least a majority; and if at any time a proposition offensive to them were notwithstanding brought before the centuries and accepted, there was nothing to hinder the younger patres from throwing it out in their own comitia. On the other hand the patrician estate and the government of which it formed the soul, possessed influence and means for working on the centuries even within the narrow sphere of their authority, partly by the votes of the ærarians, partly by taking the assembly by surprise or wearing it out, so as to force decrees upon it which were directly adverse to the will of the plebeians.

Nevertheless it is said that these slight restrictions, and the measures which, without withdrawing anything from the houses in the other departments of the government, only gave the commonalty freedom, dignity, and respectability, were not conceded by the patricians according to the usual forms; so that the whole wears the look of having been effected by the absolute power of the king: it is said that they took away the king's life in an insurrection, with which he had been long aware that they were threatening him.

So runs the tradition: and that there was at least a stubborn resistance on the part of the houses, we may presume with the same certainty with which even contemporary memoirs could establish it. For every oligarchy

is envious, oppressive, and deaf to reason and to prudence. Not that these qualities cleave to a class that bears any particular name: it is the same spirit of oligarchy, under the smock-frock of the yeoman of Uri, who, however long the sojourner may have been settled in his canton, even though it be for generations, not only denies him all higher privileges, but robs him of such bare common rights as he has long enjoyed[1028]; and under the velvet mantle of the Venetian noble: the patricians in their conduct and character stood very much nearer the former than the latter.

What the patricians wished to perpetuate against the plebeians, was, what the Spartans maintained against the Lacedemonians and the periœcians: and the history of Sparta is the mirror of what the Roman, but for the freedom of the plebeians, would have exhibited. As the Spartans did not repair their losses by admitting new citizens, and did not spare their blood, they were reduced to so few, that after Leuctra their empire fell to pieces in an instant, and the existence of the state was only preserved by the fidelity of a part of the Laconians. Yet the conscience of the Spartans was not awakened by this; any more than their eyes were opened by the larger half of the surrounding country uniting itself with their hereditary foes; by their own living scattered about here and there in their spacious city amid an alien or hostile population; by their being forced to hire mercenaries for their wars, and to beg for subsidies from foreign princes. Thus their state continued strengthless, despised, and arrogant, dragging on a thoroughly morbid existence for a century after its fall: at last, when not a ray of hope was left, its kings, to whom their country was not a matter of indifference as it was to the oligarchs, endeavoured to save it by a revolution which made those plebeians, trampled on as they had

1028 I take this instance, because just now, as I am writing this, it has been brought forward in a remonstrance by the canton of the Grisons.

been for ages, grow up into a new Lacedemonian people. In this people the Spartans were merged, as in fact they had already become utterly insignificant: and in their stead the Lacedemonians appeared for a while with the splendour of ancient Sparta: but it was too late: revolution followed upon revolution, without any one condition lasting long enough to be endowed by opinion and custom with the saving power of legitimacy, which every constitution may acquire: the time had long since been let slip, when the Spartans might have secured everything they felt pride in, and far more, to their posterity, for as long a period as the mutability of human things will allow.

To institutions of this kind, the consent of the order which afterward overthrew them, could not have been obtained except in semblance, by force or fraud. There was more frankness in the dealings of a prince, who felt himself called by heaven to decide what was fair and just before the tribunal of his own conscience, instead of letting it rest with the parties to be judges in their own cause; their claim to be so was founded on rights, of which the real substance had undergone a change, and the continuance was only nominal and apparent.

The well-established right of the individuals who composed the oligarchy, to exercise the government, held only for that sphere within which their ancestors had enjoyed it; here too it had been narrowed in the same proportion in which they had sunk below their forefathers in number, importance, and force: and what had become extinct among them, had transferred itself to the spot where a new life had arisen. If they wished to preserve their own corporation unchanged, they were bound to replenish it and keep it fresh and full. As to the entirely new growth which had sprung up and was flourishing independently of that sphere, they had no manner of right over it: and whatever share in such a right might be granted to them by agreement, was so much pure gain for them.

It is no encroachment on that which is already existing, for a new existence to awaken beside it: it is murder, to stifle the stirrings of this life; murder and rebellion against Providence. As the most perfect life is that which animates the most complex organization; so that state is the noblest, in which powers, originally and definitely distinct, unite after the varieties of their kind into centres of vitality, one beside the other, to make up a whole. There was injustice at once and mischief in the measure adopted at Athens, when Clisthenes, one of the nobles, from a grudge against his own order, by transforming the tribes levelled the distinction of ranks, and introduced an equality which led to a frantic democracy, since Athens was unaccountably preserved by fortune from falling under the dominion of tyrants. Servius did not in any way trench on the liberties of the Romans; those slowly earned liberties, with regard to which it was now forgotten that the minor houses and the secondary centuries were at first no less destitute of them, than the commonalty was now.

The time too came, when the manes of the proud patricians, wandering among their late descendants, and beholding the greatness achieved by them and by the whole republic through those very laws the introduction of which had so roused their indignation and seduced them into insurrection and into high treason, must, if indeed their country had been truly dear to them, have confessed and been penitent for their blindness. Without these laws Rome like Etruria might have become powerful for a season; but her power must in like manner have been brief; like Etruria she would have been unable to form a regular infantry: while the power of the Samnites, founded on their noble body of foot, would have approached nearer and nearer to Rome, and, before they met, would have preponderated.

If this constitution now, along with the laws connected with it, such as they are ascribed to Servius, had

continued to subsist, Rome would have attained two centuries sooner and without sacrifices to a happiness, which, after the main part of what was granted had been torne away, cost her hard contests and bitter sufferings before she finally reached it anew. It is true, if the story of a people is like a life; if the weal of one age makes amends for the woe of another, without which it could never have come to pass; then no harm was done to Rome by the delay: the putting off the completion of the constitution also put off its downfall, and the depravement of the nation for no short time; and her hard struggles disciplined and trained her. But woe to them by whom the offense cometh! and a curse upon those, who, as far as in them lay, destroyed the freedom of the plebeians!

L. TARQUINIUS THE TYRANT,

AND

THE BANISHMENT OF THE TARQUINS.

This destruction was the act of the usurper, this the price for which his accomplices allowed him to rule as king, without even the bare show of a confirmation by the curies. Every right and privilege conferred by Servius upon the commonalty was swept away; the assemblages at sacrifices and festivals, which had tended more than all other things to form them into united bodies, were prohibited; the equality of civil rights was abolished again, and the right of seizing the person for debt reestablished: the rich plebeians, like the sojourners, were subjected to arbitrary taxation: the poor were kept at task-work with sorry wages and scanty food, and many were driven by their hardships to put an end to themselves *.

Soon however the oppressed had the wretched solace of seeing the exultation of their oppressors turned into dismay. The senators and men of rank were, as under the Greek tyrants, the nearest object for the mistrust and the cupidity of the usurper: after the manner of those tyrants he had formed a body-guard, with which he exercised his sway at pleasure. Many lost their lives; others were banished, and their fortunes confiscated: the vacant places were not filled up: and even this senate, insignificant as its small number made it, was not called together.

Though a tyrant, and as bad a one as any among the

* Cassius Hemina in Servius on Æn. XII. 603. Pliny XXXVI. 24.

Greeks of the same age[1029], Tarquinius was no less capable than any of them to engage in great enterprises for the splendour of his country; and fortune long continued to favour him: indeed the goddess might easily allow things to turn out well with one whom no scruple deterred from making use of whatever would best further his designs. In Latium his influence was widely spread, by means of Octavius Mamilius of Tusculum, to whom he had given one of his daughters in marriage: and Turnus Herdonius of Aricia, who conjured the Latins not to trust themselves to him, was condemned to death by their national assembly on the false accusation of Tarquinius; some arms, which had been conveyed into his dwelling by treacherous slaves, appearing to convict him of guilt. Latium bowed beneath the majesty of Rome; and thenceforward it was the office of the Roman king to sacrifice the bull at the Latin *feriæ* upon the Alban mount before the temple of Jupiter Latiaris, in behalf of all the allies, every city receiving a portion of the flesh. Every city brought its stated share to this sacred festival, lambs, milk, cheese, cakes: they were holidays full of primitive merriment, for which the folly of later times devised a symbolical meaning: for instance the swinging was to intimate how Latinus on his disappearance was sought after both in the air and upon the earth. The Hernicans too did homage to the king, and joined in this festival: but their cohorts were kept apart from the legions which they accompanied, and which were composed of Roman and Latin centuries united into maniples.

The first place this army marched against was Suessa Pometia, the most flourishing city of the Volscians, rich from the possession of wide and luxuriantly fertile plains, the granary of Rome in years of scarcity. It was

1029 Those of the Macedonian age, who were mostly the leaders of profligate mercenaries, are a much worse breed than the earlier ones before the Peloponnesian war.

taken: the inhabitants, freemen and slaves, were sold with all their substance; and the tithe of the money gained was devoted to the building of the Capitoline temple, which the king's father had vowed in the Sabine war.

The foundations of this temple consumed the spoils of Pometia; and heavy taxes were needed, and hard task-work, to pursue the building. Ever since the time of Tatius the hill had been full of altars and chapels, small consecrated spots, a few feet square; but severally dedicated to a variety of deities, who could not be displaced from their tenements without the consent of the auspices. To the union of the three highest beings in the Etruscan religion, Jupiter, Juno, and Minerva they all gave way, save Juventas and Terminus: a token that the youth of the Roman empire would not fade, its boundaries would not fall back, so long as the pontiff should mount the steps of the Capitol with the silent virgin in honour of the gods *. The name of Capitol was given to the temple, and from it extended to the Tarpeian hill, in consequence of a human head found by the workmen as they were digging the foundations, which was undecayed and still bleeding: the sign that this place was destined to become the head of the world.

Within this temple, in Jupiter's cell, underground, the Sibylline books were preserved. An unknown old woman had offered to sell the king nine books for three hundred pieces of gold: being treated with derision she burnt three, and then three more, and was on the point of destroying the others too, unless she received for them the price she had asked for all. The king repented of his incredulity by which he had lost the greater part of an irreplaceable treasure: the prophetess gave him the last three books, and vanished.

The expedition against Pometia was the beginning of the wars against the Volscians and Æquians, which lasted

* Livy v. 54.

for two hundred years: in the conquered territory Tarquinius founded two colonies, Signia and Circeii.

The greatness of Gabii in very early times is still apparent in the walls of the cell belonging to the temple of Juno; and Dionysius saw it yet more distinctly in the ruins of the extensive wall which had surrounded the city —for it stood in the plain—and which had been pulled down by a destroying conqueror, as well as in those of several buildings. It was one of the thirty Latin cities; but it scorned the resolution that a body, wherein those were equal in votes who were far from equal in power, had formed to degrade themselves: hence began an obstinate war between it and Rome. The contending cities were only twelve miles apart; and the country betwixt them endured for years all the evils of military ravages, no end of which was to be foreseen: for within their walls both were invincible.

Sextus, the tyrant's son, played the part of an insurgent against his father: the king, for whose anger his wanton insolence afforded a specious provocation, condemned him to a disgraceful punishment as if he had been the meanest of his subjects. He came to the Gabines, to all appearance a fugitive: the bloody marks of his ill treatment, and above all the infatuation which comes over such as are doomed to perish, gained him belief and good will: at first he led volunteers, then troops trusted to his charge; every enterprise succeeded; for booty and soldiers were thrown into his way at certain appointed places: the deluded citizens raised the man, under whose command they promised themselves the pleasures of a successful war, to the dictatorship. The last step of his treachery was yet to come: where the troops were not hirelings, it was a hazardous venture to open a gate. Sextus sent to demand of his father in what way he should deliver up Gabii into his hands. Tarquinius was in his garden when he admitted the messenger into his presence; he walked along in silence,

striking off the heads of the tallest poppies with his stick, and dismissed the man without an answer. On this hint Sextus put to death or by means of false charges banished such of the Gabines as were able to oppose him: the distribution of their fortunes purchased him partisans among the lowest class; and possessing himself of the uncontested rule he brought the city to acknowledge his father's supremacy.

But the security of uninterrupted good fortune was disturbed by an appalling prodigy: a serpent crawled out from the altar in the royal palace[1030], and seized on the flesh brought for the sacrifice. It was the time when the Pythian oracle was in the highest repute: the king sent his sons Titus and Aruns with costly gifts to Delphi[31], to learn by what danger he was menaced: the priestess, whose suggestions gave assurance and stedfastness only to those presages whereby we are to explore and find our way through the darkness of our destinies, while they misled those who were without such forebodings, answered, that he would fall, when a dog should speak with a human voice[32]. The person whom the god had in his thoughts, was standing with the envoys in the temple; having propitiated him with the gift of a golden stick, inclosed and concealed in a hollow wooden one. The sister of king Tarquinius, wedded to M. Junius, had borne two sons, whom their father left behind him under age: the elder was put to death by the tyrant for the sake of his wealth: the younger, Lucius, saved his life by assuming a show of stupidity; he used to eat wild figs and honey[33]. The Romans like other nations looked upon

1030 Ovid Fast. II. 711. Or out of a pillar: here again it was by forgers, on the look out for something possible, that the altar was turned into a *columna lignea*. Livy I. 56. Dionysius has a pestilence as the cause of the mission to Delphi.

31 Cicero de Re p. II. 24. 32 Zonaras II. 11.

33 Albinus in Macrobius II. 16. Stultum sese brutumque faciebat; grossulos ex melle edebat. There cannot be a livelier expression for folly, in an age that has not lost its primitive simplicity. Our language has no word for *grossi*, the fruit of the wild fig-tree, used in caprification, as it is explained by Niclas on the Geoponics p. 238, from Pontedera. In comparison to the figs we eat, they

a madman as sacred; and Tarquinius, as his guardian, had the enjoyment of his idiot kinsman's fortune: this L. Junius, hence called Brutus, had accompanied the young Tarquins to Delphi. When the youths had performed their commission, they inquired of the oracle in their own behalf, who was to rule at Rome after their father. *He that first kisses his mother*, answered the priestess. The princes agreed to decide the matter by lots, and to keep it a secret from Sextus: Brutus in running down the hill contrived to fall, and his lips touched the earth, in the centre of which Pytho, its primitive sanctuary, stood.

Other prodigies and dreams continued to harass the king. Some eagles had built their nest on a palm in his garden: they had flown out to fetch food: meanwhile vultures came in great numbers to the nest, threw out the unfledged eaglets, and drove away the old ones on their too tardy return. He dreamt that two rams sprung from one sire were brought to him before the altar; that he chose the finest for the sacrifice; that the other pushed him down with its horns: at the same time the sun changed his course and turned back from the West toward the East *. In vain was he warned by the interpreters of dreams against the man whom he deemed simple as a sheep: in vain did the voice of the oracle coincide with the nightly vision: fate must have its way.

Ardea, the city of the Rutulians, refused to submit to the king, and was besieged with a large force. It stood upon an insulated volcanic hill, with sides cut sharply down; where the rock was low, it was surmounted by walls built of square blocks of tufa. A fortress of this kind would have been impregnable even to the improved engineering of those later times, when the mechanical arts were carried to perfection as the gifts of genius and oratory had been

are as unpalatable, as wild fruits are compared with garden fruits of the same kind.

* Attius, quoted by Cicero de Divinat. I. 22.

before; unless towers could be built of the same highth with the rock and brought close up to the foot of it: but in those days, except it could be accomplished by treachery, famine was the only means of reducing a place, which could neither be scaled nor undermined. Hence the Roman army was lying idle in its tents before Ardea, until the Rutulians should have consumed all their provisions.

Here as the king's sons and their cousin L. Tarquinius were sitting over their cups, a dispute arose among them concerning the virtue of their wives. This cousin, who was surnamed from Collatia, where he resided and was invested with the principality [1034], was the grandson of Aruns, that elder brother of the first Tarquinius, after whose death the latter removed to Rome. There was nothing to do in the field: they mounted horse that they might straightway visit their homes by surprise: at Rome the princesses were revelling at a banquet amid flowers and wine: from thence the youths hastened to Collatia; where at the late hour of the night Lucretia was spinning in the circle of her handmaids.

It was not the bloodthirstiness, nor the avarice of the tyrants in antiquity, that was the most dreadful evil for their subjects: it was, that whatsoever object had excited their fierce passions, were it a wife, a maiden, or a boy, nothing but death could rescue it from shame. Outrages, such as Lucretia suffered, were of daily occurrence; just as the Christians under the Turkish dominion are exposed to them without any protection; and always were so, when no one yet thought on the possibility of breaking the accursed yoke: but that her rank did not save the daughter of Tricipitinus, was the ruin of the Tarquins.

[1034] Egerius, his father, lived there as governor: Livy I. 38. That is to say, the poem related this to explain how Collatinus and Lucretia happened to dwell there: so it is evident that here again the genuine old form of the story has been preserved by Livy, not by those who removed their abode to Rome.

Inflamed by wicked lust, Sextus went back the next day to Collatia, and according to the rights of gentile hospitality was received into his kinsman's house. At the dead of night he entered sword-in-hand into the chamber of the matron; and by the threat that he would lay a slave with his throat cut beside her body, would put on the show of having avenged her husband's honour, and make her memory for ever loathsome to the object of her love, wrung from her what the fear of death had been unable to obtain.

Who after Livy can tell of Lucretia's despair [1035]? She sent for her father and her husband; horrible things, she said, had taken place. Lucretius came accompanied by P. Valerius, who afterward gained the name of Publicola; Collatinus with the outcast Brutus. They found the disconsolate wife clad in mourning attire, sitting in a trance of sorrow: they heard the tale of the crime, and swore to avenge her: over the body of Lucretia as over a victim they renewed the oath of their league. The moment was arrived for Brutus to cast off his disguise, as Ulysses did the garb of the beggar. They bore the corpse into the marketplace of Collatia: the citizens renounced Tarquinius, and vowed obedience to the deliverers. The younger part attended the funeral procession to Rome. Here the gates were closed, and the people summoned to meet by Brutus as tribune of the Celeres. All ranks were animated by one single feeling: with one voice the decree of the citizens deposed the last king from his throne, and pronounced the sentence of banishment upon him and his family. Tullia fled from the city, unhurt: her punishment was left by the people to the spirits of those whom she had murdered.

On the tidings of an insurrection the king had broken up with a few followers for Rome: but the city was shut

1035 Dionysius relates it with great discrepancies, and far worse. It is more interesting to compare Ovid's very finely wrought but heartless narrative (Fast. II. 685—852.) with the noble account in Livy, which crowns his first book, the masterpiece of his whole history.

against him: at the same time Brutus had marched with some volunteers by a roundabout way to the camp. All bickerings with the patricians, every wrong, all distrust was forgotten: the centuries of the army confirmed the decree of the curies. The deposed king, with his sons Titus and Aruns, bent his steps to Cære, where Roman exiles were entitled to settle as citizens*: Sextus went back to Gabii, as though it had been his own principality; ere long this audacious act of defiance afforded the friends of those who had perished by his means, the opportunity of taking vengeance for their blood.

A truce was concluded with Ardea, and the army returned to Rome. A formal decree of the centuries in the field of Mars confirmed the resolution of the curies and of the army; banished Tarquinius and his detested house for ever; abolished for ever the dignity of king; and outlawed every one who should dare to conceive the wish of exercising kingly sway at Rome. This was sworn to by the whole nation for themselves and their posterity. The laws of king Servius were reestablished: bondage for debt was again prohibited; the right of the plebeians to assemble according to their tribes and regions was recognized; and, as that code prescribed, the royal power was entrusted to two men for the term of a year. The centuries chose Brutus and Collatinus consuls: the curies invested them with the *imperium*.

From Cære, where the banished prince had only found a retreat, he repaired to Tarquinii: here and to the Veientines he could make an offer of the districts which Rome had conquered from their territories. Etruscan embassadors were sent to demand his restoration from the Roman senate; or at least that they should be responsible for his property and for that of all who had left their home to follow him: these were numerous[1036], and the members

* See above p. 278.

1036 That they were so considered in the tradition, is evident from this among other grounds, that in the accounts of the battles the Roman emigrants appear as a separate body.

of powerful families. The curies too[1037]—for the decision rested with them; since what was confiscated, went to the estates of the burghers[38]—resolved to let the property go. This gave the embassadors time to sow the seeds of a conspiracy, in which the Vitellii, with their sister's children, the two sons of Brutus, and the Aquillii, who were related to Collatinus, were involved along with many others. Many regretted the loss of that licence for their vices, which their birth and connexions had afforded them under the Tarquins: not a few may have found the liberties of the plebeians more grating than all the misdeeds of the tyrant. An honest slave, who perceived that mischief was brewing, became an unobserved ear-witness of their last conference, for which the accomplices had met together in a dark chamber: few rooms in the Roman houses had any light except when the door was open. On his information the guilty parties were seized, and early in the morning, when the consuls were sitting at justice in the Comitium amid the assembled citizens, were brought before them. Brutus condemned his sons to death in his capacity of a father, from whose sentence there was no appeal: the manner of its infliction he determined in consistency with his duty as consul. The other criminals, as patricians, had the right of calling for the decision of the curies; but such a sentence pronounced by a father made weakness impossible: they were all beheaded.

The agreement to give up the property was annulled by this fomenting of treason: it was now clear too that the fidelity of the commonalty could be the only pledge of freedom. The chattels of the Tarquins were abandoned to the plundering of the mob: their landed estates and the royal demesnes were parcelled out among the plebeians: the field betwixt the city and the river was consecrated to

1037 Dionysius v. 6.

38 The very phrase *in publicum redigere* implies that what was confiscated was for the *populus*.

Mars, the father of Rome. The harvest-time came on; to take the sheaves now seemed to be sinful: they were thrown into the river, the stream of which in summer is shallow: here they blocked each other up and accumulated so as to form the foundation of an island, which seven generations after was to become the seat of the Epidaurian god.

The whole Tarquinian house was banished: even Collatinus was forced to lay down his office and to leave Rome; he died at Lavinium, not in the enemy's country. In his stead P. Valerius was appointed.

A large army of Veientines and Tarquinians was advancing with the Tarquins: the Romans marched out to meet them. The Etruscan cavalry was headed by Aruns Tarquinius, the Roman by Brutus: both these commanders galloped on before the legions, and encountered: both fell mortally wounded. Then the infantry took up the battle, and fought until night parted them: both armies were equally worn out, and neither would own itself vanquished. About midnight however both heard the voice of the wood-genius out of the neighbouring forest of Arsia, pronouncing that the victory belonged to the Romans; of the Etruscans one more had fallen. It was by such voices that panic terrours were spread. The Etruscans took to flight: when the dead were counted, eleven thousand three hundred Etruscans were lying on the field; the Romans were fewer by one*. P. Valerius returned to the city in triumph: on the next day he paid funeral rites to the body of Brutus. The matrons mourned a year for him as for a father: the republic erected a bronze statue to him with a drawn sword in the midst of the seven kings†.

As Valerius was dilatory in procuring the election of a successor to Brutus, and was building a stone-house on the top of the Velia, where Tullus Hostilius had resided—near S. Francesca Romana,—and where from the Forum it had the look of a castle, a suspicion was excited

* Plutarch Publicol. c. 9. † Dion Cassius XLIII. 45. Plutarch Brut. c. 1.

that he was aiming to usurp kingly power. His innocence kept him unconscious of this: when told of it, he broke off the building: the people, ashamed and penitent, granted him a piece of ground at the foot of the ascent up the Velia, and, as a perpetual mark of their gift, the privilege for his doors to open back into the street *.

The view of Valerius in wishing to remain alone in the consulate, was only that he might not be impeded by a collegue, whose opposition would be an insuperable obstacle, in enacting laws to restrain the consular power within fixed bounds; such as with regard to the regal, the origin of which lay beyond the age of written ordinances, had only existed by custom, and had often been transgressed. It was an acknowledgement that the curies were the source of their power, and that the consuls owed homage to the majesty of that assembly, when Valerius lowered the fasces before it; for which the name of Publicola was given to him: and it was an equal acknowledgement of the right the plebeians had to appeal to the tribunal of their own order from sentences of corporal punishment pronounced by the consul on the strength of his plenary authority, when it was settled that from that time forward there should be no axe in the bundle of rods carried before him, so long as he continued within the city. As soon as the Valerian laws were passed, Publicola let the fasces be transferred to Sp. Lucretius as his senior. The latter did not live to the end of the year: it was closed by his successor M. Horatius, who a twelvemonth after was called a second time to the consulate along with P. Valerius.

Their desire to establish an enduring memorial of their names, was the cause of ill blood between the collegues. What was still wanting to the completion of the Capitoline temple when Tarquinius was driven from the throne, had been finished under the consuls: it had now been decided by lot that M. Horatius should

* Plutarch Publicol. c. 10. Pliny H. N. xxxvi. 24.

undertake its dedication. At the moment that he was holding the doorpost in his grasp, and was about to pronounce the solemn words, M. Valerius, the consul's brother, came to him with these false tidings of sorrow: *O Marcus, what art thou doing! behold thy son is lying dead.* A word of lamentation would have broken off the ceremony: Horatius, firm as Brutus, made answer: *Cast away the body; it is no concern of mine.* Thus he accomplished the dedication; and his name was read on the entablature of the portico until the destruction of the temple in the time of Sylla: the ides of September, on which he had consecrated it, formed the commencement of the era for keeping account of which a nail was driven in there on the same day of every year.

Among other works of art with which the last king had intended to decorate the temple, there was also a four-horsed chariot of baked clay, destined to be placed upon the gable. This piece, the execution of which had been committed to an artist at Veii, swelled out so prodigiously in the fire, that it was necessary to break open the furnace in order to take it out. Such a marvel would have been of unequivocal import even to a people less familiar with the ways of destiny than the Etruscans: accordingly the Veientines refused to deliver up the chariot to the Romans; pretending that it had not been executed for Rome, but for Tarquinius. The gods however would not allow Rome to be deprived of a work, in which they had purposed to bestow on her a token of her fate. During the next Circensian games at Veii the horses that had been victorious in the chariot-race darted away impetuously to Rome; and beneath the Capitol, near the *Porta Ratumena*, the name of which came from this Etruscan[1039], dashed their driver lifeless to the ground. Foreboding that a like misfortune would turn every festival

[1039] The penultimate is long; for it is the common termination of Tuscan gentile names, like Vibenna, Ergenna. See note 858.

into mourning, the Veientines were fain to comply with the Roman people[1040].

That they should be indebted to the tyrant for this temple, the chosen seat of the highest gods, and, long before the time when it surpassed that at Delphi in riches, the most splendid ornament of Rome, was repugnant to the feelings of the later Romans: it seemed too as if those happy signs of the future which manifested themselves during the preparations for the building, could only be revealed, as if those prophetic books which were to guide the republic in times of great embarrassment, could only be vouchsafed, to one who had found favour with the gods. Hence the laying the foundations at least of the Capitol, together with the omens of a universal empire and of its eternity, were assigned by many; the visit of the Sibyl by some, though but a few, to the father, L. Tarquinius Priscus. The earlier ages thought otherwise: to them it was no stumbling-block, that the higher powers should shew favour to the man who was observant of their service, however reprobate he might be, until the measure of his guilt was filled; nor that they should allow their blessings to be conveyed by such a one to a people they loved: was the people to suffer, because the gods themselves had not the power of commanding Nature to endow its rulers with virtue?

By a vow however the building of the Capitol is in all the accounts connected with the Sabine war of the first Tarquinius: but the older legend confined itself to this[41]. The most lying of all the annalists[42], Valerius

1040 Plutarch Publicol. c. 13. p. 103. e. The groundwork of the legend is the same in Festus v. Ratumena porta; only something different is there made of it. The Veientines are compelled by arms to deliver up the chariot; and it has already been erected when the horses run away; at the sight of it they stand still.

41 Thus in Cicero de Re p. II. 20, it is said of Priscus, *ædem in Capitolio faciendam vovisse:* and II. 24, of Superbus, *votum patris Capitolii ædificatione persolvit.* David too only made the vow: the temple was built from the ground by Solomon.

42 Adeo nullus mentiendi modus est, says Livy of him, XXVI. 49.

Antias, by a clumsy transfer from the tradition about Suessa Pometia, fabricated the story that king Priscus obtained the means of executing the substructions from the spoils of the unknown Latin town, Apiolæ[1043]. Now that the work might not continue to rest through the whole reign of Servius Tullius, and yet at the same time that the people might not seem to have been oppressed under him, a further expedient was invented, perhaps by the same writer: Servius Tullius was said to have carried on the building by employing the labour of the allies[44].

The lower summit of the Tarpeian hill, now called *Monte Caprino*, which is separated from the *Arx*, where *Ara Celi*[45] stands, by a hollow at present almost imperceptible, was the site of the Capitoline temple[46]. There was not a flat surface large enough here; so it was gained, as on Mount Moria, by levelling the peaks, and by walling in a certain space, and then filling it up: works, which in the labour they cost are not inferior even to the building of the temple. On this area a basement of considerable highth was erected, eight hundred feet in compass: it was nearly an equilateral quadrangle, the length not exceeding the breadth by so much as fifteen feet. The triple sanctuary of Jupiter, Juno, and Minerva, underneath the same roof, with party-walls to separate them, was surrounded by rows of pillars: on the south there was a triple colonnade, a double one on the other sides[47]. Beyond a doubt the material of the whole temple was *peperino*: the pillars were of blocks, which can hardly have been masked with stucco: no marble can have shone from its walls: the doors were certainly of brass; perhaps the roof also. Assuredly it was not a

1043 Pliny H. N. III. 9.

44 Tacitus Hist. III. 2. Servius Tullius sociorum studio.

45 Which name may probably be a corruption of *Arx*.

46 This view was that of all the older and better topographers who preceded Nardini: to me it was first imparted by Hirt. See his Dissertation on this temple in the Berlin Transactions for 1812—1813.

47 Dionysius III. 69. IV. 61.

less noble building than the temples of Pæstum; majestic in its simple grandeur, the course of ages and the victories of three hundred years gradually arrayed it in all that was splendid and precious. The artists who built and embellished the Capitol, were sent for from Etruria[1048]: the severity of the ancient Italian principle, which would not suffer any corporeal representations of the gods, had already been overpowered by the influence of Greece.

The tradition that the institution of the duumvirs to take care of the Sibylline books[49] was a work of the last Tarquinius, is evidently derived from the pontifical or augural records, like the statements concerning the establishment of the priestly offices by Numa. When we look at it in an historical point of view, it seems that the original appointment of a duumvirate must have been prior to the extension of the Vestal priesthood to the third tribe, and to its admission into the senate: for certainly it is scarcely credible that, in new offices founded after that time, the third tribe would be excluded from the custody of foreign objects of religious reverence, when the plebeians were allowed to take part in it sooner than in the consulate and the higher colleges of priests. At the same time this argument to shew that the Sibylline oracles were already in the keeping of the Romans before the legislation of Servius, would only be decisive, in case it can be established that by the principle of his constitution the consuls were to consist of a patrician and a plebeian, not of a Roman and a Quirite.

That the Sibylline oracles preserved in the Capitol made up three books, and consequently that, by the tenour of the legend, nine were brought to the king, seems to ensue from the expression that the keepers of them were charged to look into the Sibylline books; in opposition to

1048 Livy I. 57.

49 The references with regard to the Sibylline oracles may easily be found in Fabricius Bibl. Græc. ed. Harl. I. p. 248. foll.

Pliny's statement that two of them were burnt, and only one retained[1050]. After they had been consumed in the time of Sylla, their guardians might venture to tell what previously they durst not suffer to cross their lips: and thus we may safely adopt Varro's account, that they were written upon palm-leaves; and partly in verses, partly in characters[51], allegorical hieroglyphs: the former statement is the less suspicious, as this material for writing is scarcely mentioned elsewhere among the ancients. Pliny takes for granted that they were written on papyrus; because he thought all books were so, before the invention of parchment; this is of no weight against an express assertion: and there is great plausibility in the interpretation of the scholiast who suggests that the leaves of the Cumean Sibyl are designed by the learned poet as an allusion to the form of the old Roman Sibylline books. Their nature being such, we catch a glimpse into the manner of consulting them. To have searched them for something applicable would have been presumptuous: it can hardly be doubted that they were referred to in the same way as Eastern nations refer to the Koran and Hafiz; as many Christians, however strictly it has been forbidden, ask counsel of the Bible, by opening it, or employing a verse-box. The form of the Indian palm-leaves used in writing, oblongs all cut to the same size, was suited for their being shuffled and drawn; thus at Præneste the practice was to draw a tablet.

The question however, whether these oracles contained presages of coming events, or merely directions what was to be done for conciliating or for appeasing the gods,—

[1050] H. N. XIII. 27.

[51] Servius on Æn. III. 444, and VI. 74. In foliis palmæ interdum notis, interdum scribebat sermonibus. They may have been leaves of the finer sort of palm from Africa dressed for the purpose: but at all events in case of need the dwarf palms which grow so abundantly in Sicily, may have been made use of. The petalism of the Syracusans shews that the practice there was to scratch marks on leaves, as at Athens and in Egypt it was to write on potsherds: both were materials that cost nothing.

directions understood to be addressed to the particular case which led to the inquiry,—is perplexing, in consequence of the mystery which involved these books ever since Tarquinius caused a duumvir who had been too talkative to suffer the punishment of a parricide *. Yet the command to send for Esculapius from Epidaurus † can only have had a place in an oracle which spoke of a pestilence, that is to say, foretold it. As far as the remaining decads of Livy reach, the purpose of a consultation is never, as it is where a Greek oracle is visited, to get light on the events of futurity; but to learn what worship was required by the gods, when they had declared their wrath by national calamities or by prodigies. All the instruction too, which is recorded, is in this spirit: it prescribes what honour is to be paid to the deities already recognized, or what new ones are to be introduced from abroad. The oracles in the second collection are out of the question here: in the earlier ages for which we have annals[1052], there is only a single example of a different kind: under the year 566 mention is made of a prohibition by the Sibyl to cross the Taurus with an armed force[53]. But in fact it is utterly inconceivable that such a secret should have become notorious. Of the many Sibylline oracles that circulated among the Greeks, many now related to Rome: the Romans themselves regarded them with respect as akin to their own: and most probably some one of these had been heard of by the legates sent by the senate to the army of Cn. Manlius. It may notwithstanding have been ancient, if it spoke of no particular state, and was merely then applied to the Romans: possibly the prophet might have the Lydian kings in

* Dionysius IV. 62. Valerius Maximus I. 1. 13.

† Livy X. 47.

1052 I have not overlooked what occurs in Livy III. 10: but what value can be attached to statements out of those times? nor does an oracle ever speak with that downright distinctness. That which in Cicero's times forbade an expedition to Egypt, was one of the restored set.

53 Livy XXXVIII. 45.

his eye: but how many leaders of armies during the two preceding centuries had furnished occasion for such dissuasives! That the Roman Sibylline sayings came from an Ionian source, although the neighbouring Cuma likewise boasted of her prophetess, is clearly proved by their enjoining the worship of the Idæan mother[1054]; as well as by the mission to Erythræ for the purpose of restoring the books after their destruction.

Had the early Romans been as ignorant of the Greek language as it has been the custom to suppose them, their resorting to Greek oracles would have been next to impossible; and yet nobody has questioned that those of the Sibyl were written in Greek. Nor is this to be collected merely from unequivocal implication: the statement that two Greek interpreters were sent for, in order to be perfectly sure of the meaning[55], amounts to an express testimony: and had not the oracles been composed in Greek hexameters, it would not have been believed that they might be replaced by those which were to be found in the Greek cities. But moreover the Romans were far from being thus unacquainted with Greek: the Greek books dug up along with those on the pontifical law in the pretended grave of Numa, were at all events very ancient: in the fifth century the Roman embassador to the Tarentines spoke Greek, though it was faultily: and how else would several eminent Romans have been able to write Greek all at once in the age of Hannibal, before the period when we find that a Greek education was adopted? The Greek origin of the oracles is likewise plain from what they enjoin. They invariably ordained the worship of Grecian deities: and in this respect they must have exerted a very great influence on the religion of the Romans, in suppressing what it had derived

1054 Livy XXIX. 10. Varro too held the Erythræan Sibyl to be the one who visited Tarquinius: Servius on Æn. VI. 36.

55 Zonaras VII. 11. These are the two *servi publici* attached to the duumvirs in the account by Dionysius: IV. 62.

from the Sabines and Etruscans: to sacrifice according to Greek rites, was equivalent to sacrificing by the command of the Sibylline oracles; and every keeper of these books was as such a priest of Apollo.

It is true, if those books of fate, by order of which more than once in seasons of perilous warfare two Greeks and two Gauls, a man and woman of each people, were buried alive, had been the Sibylline books, as Plutarch conceives[1056], then what went by that name among the Romans, can never have come from a Greek source. Nor will I dispute that Livy, who on a like horrible occasion expressly mentions the *libri fatales*, in another place applies that title to the Sibylline books: and he is warranted in doing so; for they were among the books of fate. In fact, together with the Greek ones, there were preserved in the Capitol, under the guard of the same duumvirs, the Etruscan prophecies of the nymph Bygoe, and the homesprung ones of the Marcii[57]; moreover those of Albuna or Albunea of Tibur[58]; and who knows how many others of the same sort. These were all books of fate; and every Etruscan city seems to have been possessed of such: we know of the Veientine, from their having connected the destiny of Rome and Veii with the letting off the Alban lake. Now if Albunea, who was accounted among the Sibyls, was the prophetess who advised, that fate, if it had promised the possession of Rome to Gauls or Greeks, should be tricked as in the treatment of the envoys from Arpi at Brundusium[59], Plutarch's mistake would be excusable.

Perhaps in primitive times every Greek city had prophecies of the same kind with all these, by a Sibyl, or a

1056 Marcell. c. 3. p. 299. d.

57 Servius on Æn. VI. 72. Those of the Marcii had not yet been placed there when the battle of Cannæ was found in them: Livy XXV. 12.

58 Lactantius Div. Instit. I. 6. 12. Sibyllam decimam Tiburtem, nomine Albuneam—cujus sortes senatus in Capitolium transtulerit: where see the commentators.

59 Justin XII. 2.

Bacis, or some other soothsayer; which were preserved in its acropolis, in the holiest of its temples: as was the case under the Pisistratids, and after them under the Athenian republic. Here again we discover the original agreement between the Roman institutions and the Greek; which was obscured, when the Greeks and, though not till long after, the Romans developed the strong peculiarities of their national character. Living oracles like the Greek, in which the deity gave its revelations to the inquirer through the mouth of an inspired minister, did not exist among any Italian people; wherefore they sent to Delphi. Among the Apulians on mount Garganus, there prevailed the kindred Greek custom of earning a prophetic vision by sleeping in the temple after offering up a sacrifice; but it was in a Greek heroum of Calchas *.

The Roman oracles were not accessible to private individuals: he who sought for such guidance from the heavenly powers, betook himself to Præneste to the temple of Fortuna; the goddess who dispensed everything that was special and providential, who diverted the chances of an individual's life from the course prescribed and determined for him by Fate at his birth and by his own genius; who delayed or hastened his journey along it; the doom of the individual being ordained by Fate as a particular and limited potentiality, within the range of the far more extensive general potentiality of Nature. The lots preserved at Præneste were sticks or pieces of oak board, with ancient characters graven on them: a nobleman of the city was said to have discovered them in the inside of a rock, in a spot where he had cleft it open from being commanded to do so in harassing dreams. They were mixed together by a boy, and one was drawn for the person who consulted the oracle[1060]. They remind us of the Runic staves among the northern nations. Similar divining-lots were to be found in several[61], perhaps in many places:

* Strabo VI. p. 284. b.

1060 Cicero de Divinat. II. 41.

61 The same.

those of Cære are mentioned on occasion of the prodigy which befell them, when they contracted, so that an oracle fell out without the touch of a human hand *. Those of Albunea must have been written on some material like that of the Prænestine, since they were found in the bed of a river.

The banishment of the kings was commemorated every year by the Regifugium or the Fugalia on the 24th of February. This is the ground on which Dionysius states[1062] that four months of the year were still to come: that is, reckoning according to the average of the Athenian calendar, the first month of which coincided more or less with July; and on the assumption that that festival was a day historically ascertained. But its connexion with the Terminalia, on which it follows immediately, leads us to conclude that the day was only one chosen with a symbolical view.

* Livy xxi. 62. xxii. 1.

1062 v. 1.

COMMENTARY ON THE STORY OF THE LAST TARQUINIUS.

I HAVE related the tale of the last king's glory and of his fall no less nakedly than it will have appeared in those homely Annals, the scantiness of which appeared to Cicero to make it his duty, and induced Livy, to throw a rich dress over the story of Rome. That which is harmonious in a national and poetical historian, would be out of tune in a work written more than eighteen hundred years later by a foreigner and a critic. His task is to restore the ancient tradition with greater completeness, by reuniting such features as have been preserved here and there, but have been left out in that classical narrative which has become the current one, and to free it from the refinements with which learning has disfigured it: that distinct and lively view, which his representation also aims to give, is nothing more than the clear and vivid perception of the outlines of the old lost poem. Had a perfectly simple narrative by Fabius or Cato been preserved, I would merely have translated it, have annexed to it whatever remnants I could collect of other accounts, and have added a commentary, such as I now have to write on my own text.

Certain as it is that Rome possessed Sibylline books, and none can tell who wrote them, or say more than that the Sibyl is a poetical creation; it is no less indubitable that Tarquinius was a tyrant, and the last of the kings of Rome: and no criticism is able to pierce further, or to separate what is historical from the poem: all that it can do is, to shew what is the state of the case.

It is true, the most glaring among the chronological impossibilities vanish in some measure, when we look at this story independently of the dates fixed by the pontiffs for Priscus and Servius. If however it be then no longer inconceivable that Brutus should have been a grandson of the former; still all else that is told of him continues nevertheless to be a string of absurdities. That the second Tarquinius should have reigned for more than the five and twenty years assigned to him, can neither be demanded by those who maintain that this narrative is substantially historical; nor will a candid inquirer deem it credible. Now then how is it to be reconciled, that Brutus should be a child at the beginning of this reign, and at the end of it the father of young men who enter into a conspiracy with the exiles? When Dionysius states that they were only just grown out of their boyhood, he is dishonest, but to no purpose. Besides, how could a person who was thought to be a natural, have been the king's lieutenant, bound to the performance of priestly ceremonies, empowered to convoke the senate and the citizens? and are we to suppose that he who was invested with such an office, had not even the management of his own fortune.

In contradiction to the two historians, who represent the subjugation of Latium as the work of persuasion, Cicero says that it was subdued by arms[1063]. Nor is the discrepancy less, where the only Etruscan people named by him as having endeavoured to restore the banished family by military force, are the Veientines[64]: so that the introduction of the Tarquinians into the tale of this war is a forgery; which was devised because of course there could be no place where the exiles would rather have sought for aid, or more readily have found it, than in their pretended home.

1063 De Re p. II. 24. Omne Latium bello devicit.

64 Tusc. Quaest. III. 12(27). See note 1127.

Their migration to Caere, totally unconnected as it is with the subsequent Etruscan wars, is derived from the pontifical lawbooks; where it was brought forward to illustrate the origin of the right conferred by the community of franchise to go and settle there as a citizen.

The story of Sextus and the people of Gabii is patched up from the well-known two in Herodotus*, without the least invention. Besides it is quite impossible that Gabii should have fallen into the hands of the Roman king by treachery: had such been the case, no one—I will not say no tyrant, but no sovran in antiquity—would have granted the Roman franchise to the Gabines, and have spared them all chastisement by the scourge of war; as Tarquinius is said to have done by Dionysius himself[1065]. In fact the record of this favour shewn to them was contained in the treaty with Gabii, which in his days was still to be read, in the temple of Dius Fidius; it was painted on a shield covered with the skin of the bull slain at the ratification of the league[66]. The existence of a treaty is possible in case of a surrender, but puts the forcible occupation out of the question.

The spoils, with the produce of which Tarquinius undertook the building of the Capitol, the tithe of what was taken at Pometia, were estimated by Fabius at forty talents[67]. Others, Piso for instance, have stated the whole, of which that sum was the tithe,—four hundred talents,

* III. 154. v. 92. [1065] Dionysius IV. 58. [66] Dionysius IV. 58.

[67] It is one of the many corruptions in our received editions, that we now find *quadringenta* read instead of *quadraginta* in Livy I. 53, 55, in opposition to the manuscripts. Though, when he wrote, it may no longer have been generally known, that the Italian talent weighed a hundred pounds, so that 400 talents were equal to 40000 pounds; still he could never have perceived such an enormous difference between those two sums as his expressions imply. Pometinæ manubiæ vix in fundamenta suppeditavere. Eo magis Fabio—crediderim—quam Pisoni, qui XL millia pondo argenti seposita in eam rem scribit: summam pecuniæ neque ex unius tum urbis præda sperandam, et nullius, ne horum quidem magnificentiæ operum, fundamenta non exsuperaturam. Livy cannot have been thinking of smaller talents than the Attic; and between these and the Italian the difference was only that between 2400000 and 4000000 drachms.

or forty thousand pounds of silver—to have been the tenth part; so that the remaining nine will have been given up to the soldiers, every one of whom would receive five pounds of silver, or five thousand ases: nay, once on the wing they do not stop here; but these 4000 talents, near a million sterling, were nothing more than the gold and silver found in Pometia: all the rest of the property was abandoned to plunder[1068]. It is worth remarking that the very author who banished every thing marvellous out of history, took no offense at such an absurdity. But even the number given by Fabius, out of which this fiction was spun, betrays itself as an invention: for, assuming that the booty, after the principle of the ancient confederacies, was divided between the Romans, Latins, and Hernicans, the tithe on the whole, if forty talents fell to the share of the Romans, amounted to thrice as much, that is, to twelve times ten talents: where accordingly we find the very numbers on which this meagre fiction is for ever ringing the changes[69]. Nay, Pometia cannot possibly have been destroyed under Tarquinius; for a few years after, in the first age of the consulate, it is besieged and taken*: and its greatness is no doubt entirely fabulous. It may be, that the Pomptine marshes derive their name from Pometia, and that a city so called once stood on the hills at the edge of them: it certainly did not stand within them; and it has only been placed there, because no trace of it was to be found, and it might here have been swallowed up in the dreary swamp: for no air can ever have been breathed here, but what

1068 Dionysius IV. 50, compared with Livy I. 55. On a calculation this gives us an army of 72000 men; and the share of every soldier in it, merely in hard cash, is equivalent to 50 beeves. See p. 401, note 991.

69 With such barrenness of thought did those annalists, in whom Dionysius sought for more abundant details, go to work, perpetually repeating themselves, and making transfers from one story to another, that the spoils won from the Latins, not in alliance with them, at the battle of Regillus, out of which spoils games were celebrated, were set down at 40 talents. Dionysius VI. 17.

* Livy II. 17.

was pestiferous. If this morass was ever cultivated to a greater extent than at present, it can only have been the result of successful drainage; and yet the compass can never have been considerable: for it is not a piece of land which has been inundated; the correct view is, that there was once an arm of the sea here coming in behind sand-hills, and that it has gradually been converted into a swamp: during which process indeed many thousand years more have passed away, than was supposed by those who imagined this state of things for the times of the Odyssee. I shall return further on in this history to a conjecture that Suessa Pometia was no other than Suessa Aurunca.

In the story of this king too both the outline and details vanish before us when we put them to the test. Even his abolishing the institutions of Servius cannot be admitted without limitation: for the array of the army in maniples implies the existence of centuries and a census; and this is equally shewn by the comitia held immediately after his fall.

As to the particular acts of tyranny related of Tarquinius, they are the more suspicious, because, when a man is fallen, vulgar party-spirit esteems every exaggeration of his guilt, nay often calumnious inventions, allowable; sometimes even a point of duty. There is the look of an invention of this kind in the story that he introduced human sacrifices[1070]: and, as even slander must have a national character, one Asiatic writes of him, that he invented instruments of torture[71]; another, that he caused boys to be castrated and deflowered brides[72].

That Brutus procured the banishment of the Tarquins in his capacity of tribune of the Celeres, was demonstrated by the *lex tribunicia*[73]. From this source came the

[1070] Macrobius Saturn. I. 7.

[71] Eusebius Chron. N. 1469. Ἐξεῦρε δεσμὰ, μάστιγας, ξύλα, εἱρκτὰς, φυλακὰς, κλοιοὺς, πέδας, ἁλύσεις, ἐξορίας, μέταλλα, καὶ εἴτι ἄλλο κακόν. So also Isidor. Origin. l. v. c. 27.

[72] Theophilus ad Autolyc. III. 26.

[73] Pomponius l. 2. D. de origine juris. See note 1091.

information that he bore that office: the lay which spake of his feigned idiotcy, cannot have known any thing of this, and was incompetible with it: the annalists combined the two. That poetical tale may have been occasioned by his surname; which yet may have had a very different meaning from the one there affixed to it. I remind the reader that Brutus in Oscan meant a runaway slave[1074]: now it is easy enough to understand, that the partisans of the Tarquins may have called him such, and that on the other hand he and the Romans might not be sorry to let the nickname pass into vogue.

The story of Lucretia's misfortune and of the consequent expulsion of the Tarquins is inseparably connected with the camp before Ardea. Now since we find the Romans in the treaty of the first consuls with Carthage stipulating as protectors for the people of Ardea as for a subject Latin city[75], the statement that at the moment of the revolution a fifteen-years truce was concluded with them, cannot hold its footing: nor can the war itself be saved from falling with it; except by such arbitrary proceedings, as the very persons who maintain that there is something historical in these legends, scruple not to allow themselves; namely, by assuming that the truce indeed is a misrepresentation, but that Rome may have reduced Ardea to subjection in the interval.

Now in a narrative where we find traces throughout of invention and alteration, I will not leave the perplexing part of what is related of Collatinus standing in its enigmatical form, but will venture an explanation of it. It is revolting beyond belief, that the death of Lucretia should not, at least as a pledge, have redeemed her husband, and her children, if she left any, from banishment: and the commonplaces about the unjust

1074 Above pp. 51. 77.

75 Καρχηδόνιοι μὴ ἀδικείτωσαν δῆμον Ἀρδεατῶν—μηδ' ἄλλον μηδένα Λατίνων ὅσοι ἂν ὑπήκοοι. Polybius III. 22.

jealousy of republics, with which it was attempted to screen this difficulty some nineteen hundred years ago*, would nowise lessen the people's guilt. But what if the marriage of Collatinus with the daughter of Tricipitinus was only a fiction, to account for the appointment of a Tarquinius to the consulate?

At Athens the first step was to withdraw the splendour of kingly sovranty and its title from the Codrids: next their diminished power was limited to a term of ten years; before the archonship was made annual and thrown open to other houses; then to the rich among the eupatrids; and finally to every full citizen, being now no longer anything but a brilliant phantom. In like manner the supreme power, or some memorial of it, descended in other Greek states from the king upon *prytanes* of the house the king had belonged to. In an elective monarchy indeed, like Rome, it seems that there would be no overruling necessity for such a gradual transition: yet, if the power of the Tarquins was in fact already looked upon as hereditary, it may readily be believed that in a state, in which the constitution advanced step by step more uniformly than it ever did elsewhere, a conciliatory compromise might be entered into with the Tarquinian house, that one of them should be annually elected by the people to partake in the consulate. This is the more credible, as a like privilege seems to have been afterward granted to the Valerii and the Fabii. In this way Collatinus may have obtained the consulship: but the change going on in the state will not have paused long at this first step: the Tarquinii furnished grounds for suspicion, and the whole house was banished[1076]: a record,

* Cicero de Offic. III. 10. de Re p. II. 30, 31. Livy II. 2.

1076 Cicero de Re p. II. 25. Civitas exulem et regem ipsum, et liberos ejus, et *gentem Tarquiniorum* esse jussit.—31. Nostri majores Collatinum innocentem suspicione cognationis expulerunt, et *reliquos Tarquinios* offensione nominis; which passage also draws a very clear line of distinction between the kinsmen and those members of the house who were not connected by blood. Livy II. 2. Ut omnes *Tarquiniæ gentis* exsules essent. He separates this from the

which is the more instructive, from its representing them under an entirely different aspect from that of a single family, the grandchildren and great-grandchildren of Damaratus.

decree, exsules esse L. Tarquinium cum conjuge ac liberis. I. 59. Varro Antiquit. XX. p. 209, in Nonius III. v. Reditus: *Omnes Tarquinios* ejecerunt, ne quam reditionis per *gentilitatem* spem haberent: that the royal family might not entertain any hope of being restored by the other members of their gens.

THE BEGINNING OF THE REPUBLIC, AND THE TREATY WITH CARTHAGE.

The Tarquinii, from what has been said, may have been glad, even more so than any other citizens, of a change, by which the power, until then enjoyed by a single individual, was placed annually within the reach of every noble member of their house, and was secured to them, without being divested of anything but its priestly dignity. For the kingly power was transferred, with no abridgement but this, to the annual magistrates, who in those times still retained the name of prætors. Hence the accurate Dion Cassius, deviating from all other writers, did not use the name of consuls until after the decemvirate; when, as he conceived, the appellation was changed[1077]. I allow myself to imitate the example of Livy and Dionysius in giving this glorious name to the immediate followers of the kings. For which reason I here introduce the remark, that this title is neither to be derived from consulting the senate, nor from giving counsel[78]: for, at the beginning of the republic especially,

[1077] Zonaras VII. 19. Livy too, at the same period of his history (III. 55), mentions that prætor had been the earlier name. Zonaras is so punctual a copier that up to this time he uses no title except that of στρατηγός.

[78] The former explanation was preferred by Varro: the latter by Dionysius (IV. 76); and was given by L. Attius (Varro de L. L. IV. 14. p. 24.) in his *Brutus*. This play was a *prætextata*, the noblest among the three kinds of the Roman national drama; all which assuredly, and not merely the Atellana, might be represented by well-born Romans without risking their franchise. The prætextata merely bore an analogy to a tragedy: it exhibited the deeds of Roman

commanding was far more than either the one or the other the distinguishing attribute of the consulate. Without doubt the name means nothing more than simply *collegues:* the syllable *sul* is sound in *præsul* and *exsul*, where it signifies *one who is:* thus *consules* is tantamount to *consentes*, the name given to Jupiter's council of gods.

It was assuredly merely from representations of the legitimate procedure in consular elections dressed up in a historical form, that the historians took their positive statement as to the first election being held before the centuries[1079]. As historical evidence this is of no weight: but even if it should turn out that this power was subsequently in the hands of the curies, still one can easily conceive that they usurped it; far more so than that from the very first, when the plebs was treated with lenity, the laws of Servius were violated. That they were valid to their full extent, would be out of all question, were it as certain as it is probable that L. Brutus was a plebeian.

The Junian house looked upon him with pride as the founder of its nobility[80]: and that they, especially the Bruti, were plebeians, cannot be doubted after the time of the Licinian law: it is proved by their being tribunes

kings and generals (Diomedes III. p. 487. Putsch.); and hence it is self-evident, that at least it wanted the unity of time of the Greek tragedy; that it was a history, like Shakspeare's. I have referred above (p. 431) to a dialogue between the king and his dream-interpreters in the *Brutus*, the scene of which must have lain before Ardea: the establishment of the new government, which must have been the occasion of the speech, *qui recte consulat, consul siet*, occurs at Rome: so that the unity of place is just as little observed. *The Destruction of Miletus* by Phrynichus and *the Persians* of Æschylus were plays that drew forth all the manly feelings of bleeding or exulting hearts, and not tragedies: for the latter the Greeks, before the Alexandrian age, took their plots solely out of mythical story. It was essential that their contents should be known beforehand: the stories of Hamlet and Macbeth were unknown to the spectators: at present parts of them might be moulded into tragedies like the Greek; if a Sophocles were to rise up.

1079 Comitiis centuriatis, says Livy: κατὰ λόχους in the field of Mars, Dionysius.

80 Cicero Brut. 14. (53.) Philip. I. 6. (13).

of the people down to the end of the republic[1081]; and in the fifth century more than one Junius Brutus appears in the consular Fasti as the plebeian collegue. Now it is true that in many cases plebeian families were in later ages all that survived of patrician houses; and it is possible, although an instance of it will hardly be found, that such a one may have retained the peculiar surname of its patrician ancestors: but how strange is it, when we make a distinction between a house and a family, that before the Licinian law not a single Junius occurs in the Fasti! even admitting that the immediate posterity of Brutus were extinct. These considerations I deem sufficient; although that L. Junius Brutus, who is mentioned by Dionysius sixteen years after the beginning of the consulate as one of the two first tribunes of the people, and of whom he has a great deal to tell us[82], but of whom no one else knows anything, should have been invented by some plebeian annalist, for the sake of referring the establishment of the freedom of the plebeians to a kinsman of the founder of the commonwealth. I have already remarked that, unless the consulate were shared between the two orders, all the liberties of the plebeians were left without any safeguard: and as the Licinian agrarian law was in fact only a revival of that of Cassius, which ought to have been in force during the foregoing hundred and twenty years, and which itself had only prescribed the

1081 Dionysius, v. 18, makes use of this very argument to shew that the later Junii Bruti were entirely unconnected with the founder of the commonwealth. He may be sincere in this belief, as well as Dion XLIV. 12: but he cannot possibly be so in the odious representation, which, when relating the secession of the commonalty, he tries to give of the plebeian orator, L. Brutus, (supposing him to be the ancestor of M. Brutus), as of a mischievous stirrer up of sedition; although all the demands he ascribes to him are nothing more than is reasonable and judicious. The open declarations made after the battle of Philippi are worth still less than the opinions, slight as their grounds may also be, which prevailed in the time of Cicero. If Posidonius fancied he perceived a likeness to the features of the ancient statue (Plutarch Brut. I. p. 984. d.), this only proves that he looked with eyes of fondness.

82 Throughout the history of the secession in the sixth book.

giving effect to an ordinance of Servius; in the same way a very ancient principle of the constitution may at length have been made operative by the Licinian law on the consulate. If the legend calls L. Brutus the son of Tarquinia, this no way tells against his being a plebeian; for it belongs to the fiction of his assumed idiotcy: and if some force must still be allowed to it, yet marriages of disparagement were never forbidden, and were even frequent. However I will not dissemble that his being tribune of the Celeres seems hardly reconcilable with his being a plebeian: indeed I see but a single argument for the competibleness of the two characters; which is, that the office of *magister equitum* was generally regarded as a continuation of that tribunate, and that a plebeian could hold it, at the time when the consulship was still closed against his fellows *. The authors whom Dionysius followed in deducing the first Brutus from a Trojan stock, not only looked upon him as a patrician, but even as one of the Ramnes, and considered the consulate as a duumvirate chosen from the first two tribes. The enjoyment of this right, if they had it, might easily be withdrawn from the commonalty; since the centuries could only vote for such as were nominated by a decree of the senate [1083], as was the case in the election of the kings: a vote for any other was null.

The elective kings of Rome enjoyed the same honours as the hereditary kings who sprang from heroic houses: but the custom for the whole people to mourn for them on their decease was not peculiar to Lacedemon; and in this way no doubt those of Rome too were mourned for. I conceive that the testimonies of sorrow which the matrons were said in the ceremonial books to have given for the death of Brutus and Valerius, must have been an act of

* See note 1182. Pomponius Dig. Lib. I. Tit. II. 1. Dictatoribus Magistri Equitum injungebantur: sic quomodo Regibus Tribuni Celerum.

1083 The candidates οὓς ἡ βουλὴ προείλετο. Dionysius VIII. 87. Ἄππιον Κλαύδιον προεβούλευσάν τε καὶ ἐψηφίσαντο ὕπατον. IX. 42.

homage which, so long as the consul was esteemed to have succeeded to the full rights and privileges of the king, was paid to every one who died during the year of his office.

But however near the majesty of the consuls may have approached to that of the kings, still the patrician class at least was far better secured against any consul abusing the same power: first by the interposition of his collegue, next by the annual duration of his authority. To bring a complaint against the kings was impossible, as it was in after times against every one while in office: the consul, if his reelection was refused him, sank to the level of a private citizen, and then the quæstors might impeach him.

These public accusers, and not the keepers of the public purse, must have been the quæstors spoken of in the curiate law by which Brutus obtained an enactment that their office should continue on the same footing as under the kings: it was assuredly only by inference that Tacitus, who seems to have known this law merely at second hand, and who found mention made of the first time that the centuries appointed to this place, not perceiving that by the decemviral code the election was transferred to them from the curies, concluded that the quæstors had previously been named by the consuls, and before them by the kings. That they were chosen by the people, that is, by the curies, under the monarchy, was expressly stated by Junius Gracchanus[1084]. It is immaterial here that Tacitus and Ulpian both confound the *quæstores classici* with the *quæstores parricidii:* which same mistake must lie at the bottom of Plutarch's account; although he explicitly states that the establishment of a public treasury, and the right of electing two treasurers conferred on the people, was among the enlargements of its liberty for which the republic had to thank the consul Publicola[85].

[1084] Tacitus Annal. xi. 22. Ulpian Dig. i. 13. Quos (reges) non sua voce sed populi suffragio crearent. Compare Lydus de Magistr. i. 24.

[85] Publicol. c. 12. p. 103. ταμιεῖον ἀπέδειξε—ταμίας δὲ τῷ δήμῳ δύο τῶν νέων (such was the custom of later times) ἔδωκεν ἀποδεῖξαι.

He appears to have heard some report of the same law of the curies, differently modified, and referred to Publicola instead of Brutus.

There is the same fluctuation between Brutus and Publicola in the account of the filling up the number of the senate: Livy ascribes it to the former; Festus and Plutarch to the latter; Dionysius, mediating between them, to both. Tacitus, who tells us that Brutus raised the minor houses to the patriciate[1086], is on the side of Livy: for he, like Dionysius, is misled by the notion, that the patricians were noble families, the posterity of such individual senators as were appointed at the foundation of the state, or on some later occasion with regard to which there were differences of opinion. In this way he overlooks the change made by Tarquinius Priscus; because his eye is fixed on the other great augmentation, when, after the establishment of the consulate, plebeian knights were admitted into the senate; when therefore it first began to be composed of *patres* and *conscripti*[87], patricians and such as were called up by the consul. The number 164 for the latter must certainly be a fabrication of Valerius Antias: it was just by such totally arbitrary sums that he tried to give his fables a deceitful resemblance to genuine accounts[88].

Livy says, the tyrant had made the senate-house desolate by his executions[89]: this too must be an exaggeration: and whatever quantity of blood may have flowed, still there was no want of patricians to make up the complement; inasmuch as thirty years afterward the Fabii, even if they did not amount to three hundred, yet were so numerous that they formed a settlement. It is more

Plutarch drew much of his early Roman history from Valerius Antias; and one can conceive that this writer, led by his vanity to cry up the house to which he in some measure belonged, would place all he could to the account of Publicola.

1086 Annal. xi. 25.

87 Livy ii. 1. Festus v. Qui patres, qui conscripti.

88 Festus as before. Plutarch Publicol. c. 11. p. 102.

89 i. 49. ii. 1. Cædibus *regis* in this passage is the old spelling for *regiis*, which has been left in the text from not being noticed.

likely that very many seats were vacated by the banishment or the emigration of the adherents of the Tarquins. If we look at the matter historically, it was the necessity to quiet the second estate, that induced the patricians to agree for the time to the admission of these senators: and if the personifying principle be consistently applied, it will assign this equalizing measure to Brutus, considered as a plebeian.

In framing a conception of the state of things which at that time led to a new system of filling up the senate, it is above all things requisite, that we rid ourselves entirely of the illusions of the factitious chronology, and do not permit ourselves to be disturbed by the too great length or shortness of the interval by which certain points seem to be separated.

If the formation of the three new equestrian centuries restored the possibility of calling up one out of every house to the senate of three hundred, still the houses from that time forward began anew to suffer the lot of everything exclusive: they died off, and the more rapidly as the marriages of disparagement must have been frequent, in which case the issue followed the worse blood: and thus the number of the senate again fell off further and further from the full complement. For this there was a remedy, should the deputies be summoned and the vacancies filled up no longer by houses, but by curies: and this step on the road from the point where a summons was claimed as a right, toward a perfectly free choice, was a great advance made by the elective power: it was brought about by that Ovinian tribunician law, of which we are informed by Festus[1090]. So far as we are acquainted with the ancient phraseology, such a law must have been one passed by the

[1090] Ovinia tribunicia sanctum est ut censores ex omni ordine optimum quemque curiatim in Senatum legerent. Festus v. Præteriti Senatores. *Ex omni ordine*, which Festus copied literally from Verrius, is perfectly correct: out of *the whole order* (without regard to any particular gens); not, out of *all the orders*. There were but *two* of them.

curies on being proposed to them by a tribune of the Celeres[1091]: this however is not the way Festus understood it, since he foists in the censors: and as he surely cannot have looked upon it as a decree of the plebs, he must have conceived that it was a law the passing of which had been obtained by a military tribune. Such a tribune as Ovinius indeed nowhere makes his appearance; the name however may have been miswritten. Gradual as was the march of change in the constitutions of antiquity, this innovation must have been previous to the reception of the *conscripti*: that is, it must either have been effected by a law of the curies under the kings; or on the other hand it is false that plebeians were admitted into the senate so early as under the first consuls.

Supposing however that they were so, the practice cannot have continued during those years when the patricians took back every concession as having been wrung from them: even after the Licinian law the plebeians still seem for a long time to have been the smaller number in the senate: yet they were already sitting in the curia, before they attained to the quiet enjoyment of the right to be chosen military tribunes[92]. Accordingly, as the senate had now become a mixed assembly, a new system must have been adopted in filling up the interregal office, which was and continued to be confined to the patricians. The distinction between the patrician tribes could no longer be attended to on such occasions; there were no longer ten decuries of the Ramnes: therefore either the patrician senators formed a committee to appoint the interrexes, or they were chosen by the curies[93].

[1091] Exactis regibus *lege tribunicia*; that is, by the lex curiata of Brutus. Pomponius l. 2. D. de origine juris.

[92] Livy, v. 12, says of P. Licinius Calvus, who according to him was the first plebeian military tribune, vir nullis ante honoribus usus, vetus tamen senator.

[93] See above p. 292. Livy IV. 7. 43. VI. 41. XXII. 34. The expression, *patricii coibant ad prodendum interregem*, may be interpreted in either way. *Coire* contains a reference to the *comitium*.

Among the republican institutions the origin of which was carried back to the first consulship, is the assignment of farms to the plebeians in lots containing seven jugers of arable land: this measure is said to have been taken after the banishment of the kings[1094]. Nothing but the royal demesnes can have been sufficiently extensive for such a distribution; whereby all who received an allotment were united against the restoration of the old order of things. That the field of Mars neither formed a part of these demesnes, nor was the property of the Tarquins, would be proved, in the face of the tradition, by a Horatian law[95] conferring honours on the Vestal Tarratia as a reward for her having made a gift of it to the Roman people; were it conceivable that this large plain belonged to a single proprietor, and were it not far more likely that what she gave was merely a field in the neighbourhood[96].

The relations which recorded the various changes in the commonwealth, went back to this period for the origin of the right possessed by private citizens to speak in the great council of the curies: some of them tracing it up to Brutus, who conferred it on Sp. Lucretius[97]; the Valerian narratives to Publicola. There is the same difference between these statements with regard to the emancipation of Vindicius, which however consistency requires us to ascribe to Brutus: it was the model according to which the slave might be raised every day the court sat to the full enjoyment of freedom by the *vindicta:* which formality supplied the fabulous Vindicius with his name; although even an Italian slave, from having lost his gentile rights with his freedom, could no longer retain a gentile name, such as this must have been, but was called Lucipor or Marcipor.

1094 Pliny XVIII. 4. Columella De Re Rust. I. III. 10.

95 Gellius VI. 7.

96 Perhaps the law mentioned only the *campus Tiberinus*, and *sive Martius* may have been an explanation added by Gellius.

97 Dionysius V. 11.

Publicola is further said to have been the author of the decorous custom that the elder of the two consuls should be the first to have the fasces carried before him; and finally of the practice to pronounce funeral orations upon distinguished citizens; himself paying this honour to Brutus.

The right understanding of the word *populus* dissipates the fancy that Poplicola, the surname of Valerius, was the designation of a demagogue like Pericles, who courted the favour of the mob. The assembly before which P. Valerius ordered his lictors to lower their bundles of rods disarmed of their axes, in acknowledgement that all authority emanated from it, is called a *concilium populi*[1098], the great council of the patricians. Besides the consul had no business to transact with an assembly of plebeians; still less was it a source of his power: and the words cannot mean that of the centuries; because this was a *comitiatus*, not a *concilium*; nor did it meet in the city, but in the field of Mars, from whence the Velia is not in sight. It was to the curies then that he proposed that law, by which whoever should aim at usurping kingly power, or, according to other reports, should exercise authority without being invested with it by the people, was devoted together with his substance to the gods[99]. This was a declaration of outlawry, and gave the consul the right of putting the criminal to death without being amenable for doing so, and every individual

1098 Vocato ad *concilium populo*, submissis fascibus in concionem escendit:—confessionem factam, *populi* quam consulis majestatem vimque majorem esse. Livy. II. 7. Our historian indeed was somewhat in the dark about the meaning of the old constitutional terms, and therefore mixes up the *multitudo* with his narrative: for it certainly never entered his thoughts, that this expression might be correctly applied to the patricians in early ages. To the annalist from whom he copied the decisive words, the matter must still have been perfectly clear. See above note 927.

99 De sacrando cum bonis capite ejus qui regni occupandi consilia inisset. Livy II. 8. Here the genuine formulary is discernible. Dionysius gives an explanatory paraphrase of it: v. 19. Plutarch divides it into two laws: Publicol. c. 11, 12. p. 103.

that of killing him. The ceremony of devoting a guilty head was without doubt a relic from the times of human sacrifices; for criminals, if possible, were everywhere selected as the victims to be slaughtered. In this manner patrons or clients who violated their reciprocal duties, and the husband who sold his wife after she had placed herself in the relation of his child, were devoted to Dis; he who put a magistrate of the commonalty in peril, to Jupiter; he who thievishly cut, or fed his cattle on, a field of corn, to Ceres[1100].

The purpose of this law, was to make tyrannicide safe; its effect, to give impunity to murder. A better foundation for Publicola's fame is afforded by another, which is said to have been the first enacted by the centuries[1]. The curies in granting the *imperium* conferred the power of punishing disobedience to the supreme authority, capitally, corporally, by imprisonment, and by mulcts: it included the members of their own body: but these had the right of appealing from the sentence to their great council[2]. This same right of appealing to the commonalty, of trial by their peers, was given by the Valerian law to the plebeians[3]. I say, to the commonalty: for the appeal lay to the plebeian tribes[4], not to the centuries: so that the maintenance of this

1100 Dionysius II. 10.—Plutarch Romul. c. 22. p. 32. See above p. 194, note 584.—Livy III. 55.—Pliny H. N. XVIII. 3.

1 Cicero de Re p. II. 31. Only it must not be forgotten that the curies at all events had to give their assent.

2 It is of the patricians that we must understand, *provocationem etiam a regibus fuisse.* Cicero de Re p. II. 31. See above p. 295, note 805.

3 Livy III. 55. Cum *plebem*, hinc provocatione, hinc tribunicio auxilio, satis firmassent, (the consuls, L. Valerius and M. Horatius). 56. Fundata *plebis* libertate. X. 9. M. Valerius consul de provocatione legem tulit. Tertio tum lata est, semper a familia eadem.—plus paucorum opes quam libertas *plebis* poterant.

4 When Volero Publilius was opposing himself to an act of outrageous injustice, the consuls ordered the lictors to seize him, to strip him, and to strike: but he τούς τε δημάρχους ἐπεκαλεῖτο καὶ εἴτι ἀδικεῖ κρίσιν ἐπὶ τῶν δημοτικῶν ὑπέχειν ἠξίου. Dionysius IX. 39.

right was placed immediately under the guardianship of the officers who presided over the tribes.

This right of appeal did not extend beyond a mile from the city[1105]: here began the unlimited *imperium*[6], to which the patricians were no less subject than every Quirite: on the strength of this L. Papirius had the power of exacting the blood of Q. Fabius[*].

The Valerian law had no other penalty to enforce it, than the declaration that he who violated it acted wrongly: and Livy is touched by this, as if it were a proof of the virtue of the olden times; yet there is no point on which they are less deserving of such admiration. If no determinate punishment was affixed, it was because it is indispensable that the right of self-preservation residing in the supreme power should be undisputed, and not nullified by any unalterable limitations. Thus the transgressor might be condemned by the people to a heavy punishment, proportionate to his guilt; but at the same time the extreme of violence done to the letter of the law might be pronounced innocent: only it was requisite that to arraign the criminal there should be certain inviolable representatives of the commons; who might also interpose and give protection in the moment of need.

These laws are said to have been passed in the first year after the banishment of the Tarquins: and in the same year the earliest treaty between Rome and Carthage was concluded; which Polybius translated from the original brazen tables then existing in the Capitol in the archive of the ædiles, the language upon them being so obsolete that in parts even the more learned among the Romans could only guess at the meaning[7]. Perhaps Livy made

1105 Neque enim provocationem esse longius ab urbe mille passuum. Livy III. 20.

6 Hence it is here that begin the *judicia quæ imperio continentur*, the appointment of which courts is conferred by the *imperium*. Gaius IV. 105.

* Livy VIII. 32.

7 III. 22, 26.

no inquiries at all for what was authentic and historical in these ancient times: perhaps Macer—among the annalists out of whose labours Livy constructed his work, certainly the one who expended the greatest care upon original documents—had never read the books of Polybius; and it is not unlikely that the tables had perished in the flames of the Capitol, before Macer began his researches: thus much may be considered as established, that Livy, as his practice throughout was only to procure the materials of his work during its progress, did not make use of Polybius, whose value was by no means generally recognized in those days[1108], till he reached the Punic wars. When he wrote his second book, he probably was altogether ignorant of the existence of this treaty. Though had it been otherwise, he too would not have been beyond the reach of a motive, which had the power of determining many a Roman to suppress his knowledge of the document: inasmuch as, being utterly irreconcilable with that poetical tale which had been transformed into a history, it divulged the secret of the greatness of Rome before the banishment of the Tarquins, and of her fall; a secret, which her children in later times were foolishly anxious to keep concealed, as if it were an indelible blot on the honour of their ancestors.

At the time when the republic concluded this treaty, she still possessed the whole inheritance of the monarchy. Ardea, Antium, Aricia[9], Circeii, and Terracina, are enumerated as subject cities, and Rome stipulates for them as well as for herself. The whole coast is here called Latin, the land Latium: and the range of this

[1108] This gives us a better explanation of Livy's words, *haudquaquam spernendus auctor*, (XXX. 45,) than the taking them as a rhetorical figure.

[9] The manuscripts have Ἀρεντινῶν, which may just as well be a mistake for Ἀρικηνῶν, as for Λαυρεντινῶν. Arician merchant ships, and many of them, are mentioned by Dionysius VII. 6. Laurentum was a small place: rather would Lavinium have been named: from the order followed in the list either of them would have come before Ardea.

is even more extensive than from Ostia to Terracina: for while this whole coast is subject to the Romans, there is a part of Latium not dependent upon them, into which the Carthaginians may have occasion to come, which therefore is also coast, and consequently that to the east of Terracina. Perhaps the whole country as far as Cuma was called so, since Campania did not yet exist; perhaps down to the borders of Italia. Even in these regions which were still free, the Carthaginians bind themselves neither to make conquests nor to build forts. The Romans and their confederates are inhibited from sailing into any of the harbours to the south of the Beautiful or Hermæan Cape, which forms the eastern boundary of the Gulph of Carthage: and this no doubt was not merely with a view, as Polybius conceives, of excluding them from the rich country on the lesser Syrtis. It was indeed more lucrative to make Carthage the staple for the produce of those regions, and to secure to her the commercial profit on the exchange: but it was of still greater importance, by this strict exclusion to cut off the possibility of any venturous Tyrrhenian mariners attempting to open an immediate intercourse with Egypt. This restriction must have been established equally for the Etruscans, whose commercial treaties with Carthage were mentioned above on the authority of Aristotle*: so must the following regulations. In Sicily—where in those times Carthage was not yet mistress of any province, but where on the northern coast of the Sicanians Motye, Soloeis, and Panormus, acknowledged her protecting authority; free Phenician towns, like Utica, Leptis, and Gades, and the remains of a multitude of settlements, which, before the entrance of the Greeks, the Tyrians had possessed on every harbour and every islet along the coast all round the island[1110];—the Carthaginians secured to the Roman merchants the same

* Note 362, p. 105.

1110 Thucydides VI. 2.

privileges as to their own. At Carthage itself, on the Libyan coast to the west of the Hermæan Cape, and in Sardinia, the Romans might land and carry on traffic: but the sale of their cargoes was to be effected by public auction; and in that case the state was pledge to the foreign merchant for his payment. This obligation was without doubt reciprocal, and was a twofold advantage to the stranger. But for it he was either in the hands of a few monopolizing houses; or he ran the risk, if he sold his goods for a higher price to an insecure purchaser, of losing them entirely: besides public auction insured him against the exactions of the custom-house. For all duties were levied according to percentages of the value, and not by any fixed table: their produce however was farmed out, and so there was still more danger of an exorbitant valuation.

Down to the latest times it was necessary that all Roman public documents should be signed with the names of the consuls under whom they were drawn up, as a mark of their genuineness: in a treaty above all such a statement cannot have been omitted. Thus it might be read in the treaty with the Latins, that it was concluded by Sp. Cassius[1111]: and as Polybius had no particular reason for introducing the names of the consuls of his own accord, it certainly cannot be questioned that the table contained those of Brutus and Horatius as collegues. This however puts an end to the whole story, that P. Valerius after the death of Brutus remained alone in the consulate, and that then he enacted those laws: as well as to the other, that Sp. Lucretius was the successor of Brutus. The last was probably invented in the following way: there was a variation between the statements of different Fasti as to the consuls of the year 247: by the one, which Dionysius adopts, they were Valerius and Horatius; by the other, Valerius and Sp. Lucretius; and this was followed by Livy[12]: both however allowed

[1111] Livy II. 33.

[12] The editions read *P. Lucretius*, (II. 15.): but the Florentine manuscript

themselves to be led astray by an annalist, who had sought to reconcile the difference. What, thought he, if Lucretius was appointed after the death of Brutus! surely Lucretia's father had a claim before all others to this honour. But he must have been very old; and if he died while still in office, Horatius might then succeed him[1113]. So that here too Dionysius is consistent after his own way; having a second consulship of Horatius in 247, and placing the dedication of the Capitol in that year: Livy heedlessly adopted the factitious statement, and yet has Lucretius as consul in the third year of the republic.

Another difference between the Fasti of the two historians makes its appearance in the year 248, where Dionysius names Sp. Larcius and T. Herminius, of whose consulship Livy says nothing. Both of them were celebrated in the heroic lays, as the companions of M. Cocles on the bridge: hence the annalists bring them into the action in the war with Porsenna, for the sake of peopling the void of the old narratives with names. And since Dionysius himself has nothing to record of their consulship[14], Livy assuredly here again gives us the old account with the least adulteration. In truth this pair is stuck in to fill up the gap of a year, as are several others: perhaps also to break the series of the Valerian consulships.

If they are erazed, then during the first five years of the Fasti one of the consuls is always a Valerius; once

has the double name *Spurius Publius*, which has also passed into other manuscripts belonging to the same family. *Spurius* is more commonly denoted by S. P. than by SP. To explain this, *Spurius* was written over it; and was afterward referred to the S alone.

1113 Apud quosdam veteres auctores non invenio Lucretium consulem, says Livy himself II. 8. Servius, on Æn. VI. 819, says that, after the expulsion of Tarquinius, duo creati sunt consules, Brutus et Tricipitinus, pater Lucretiæ, qui et Tarquinius dicebatur: ob quod solum est urbe depulsus: et in ejus locum subrogatus est Valerius Publicola; quo mortuo item alter est factus: et alter similiter.

14 v. 36.

Marcus, the other times Publicola. That there was some other cause for this than personal admiration, may be inferred from the extraordinary honours which that house possessed by inheritance from these primitive times. Every one of them has a story connected with it: in this manner they stood in the books of the ceremonial law: I will confine myself to the facts.

The Valerii had a house at the bottom of the Velia, the only one among all the houses in Rome of which the doors opened back into the street; this mark of honour having been conceded to them ever since the time when Publicola, or Marcus surnamed Maximus, received the grant of a site there to build upon [1115]. They enjoyed the προεδρία, a Greek honour, of which no other example is to be found among the Romans: in the circus, the Roman theatre, a conspicuous place belonged to them, where a curule throne was erected [16]. They were allowed to bury their dead within the walls [17]: and when they too had exchanged the older custom of interment for that of burning the corpse, although they did not set fire to the funeral pile on their burial ground, the bier was set down there, as a symbolical mode of preserving the right [18].

These distinctions, if they were meant as rewards for services, would also have been bestowed on others for much greater actions: but neither Camillus nor the Decii transmitted any such honours to their posterity. They cease however to surprise us, if there be good ground for the conjecture, that, among the gradually progressive transitions of the constitution [19], the Valerian house was

1115 Dionysius v. 39. Plutarch Publicol. c. 20. p. 107. Compare the Declamation de Harusp. Respons. 8. [16].

16 Livy II. 31. Locus in circo ipsi posterisque ad spectaculum datus: sella in eo loco curulis posita.

17 Cicero de Legib. II. 23.

18 Plutarch Publicol. c. 23. p. 109.

19 From the βασιλεία through a δυναστεία to an aristocracy.

for a time in possession of the right to exercise the kingly power in the person of one of its members for the Tities. As soon as we take this point of view, the measures for attempering the consular power gain the look of having a historical foundation: nay even the story that Valerius pulled down his house at the top of the Velia, and received a spot at the foot of the hill, becomes then intelligible enough as a pledge of his resolution to exercise his royal authority as beseemed a citizen[1120].

That the Tities are the tribe they would have represented, follows from the acknowledged Sabine descent of their house. Their *eponymus*, Volesus, is mentioned as a Sabine, a companion of Tatius: now the Volesus who is made the father of Publicola and Maximus, nay also of a Manius and Lucius[21], is no other than this very person; with whom the great men of the ancient tradition are connected, in order that the name of their father may not be wanting in the Fasti. Dion Cassius alone, with his usual circumspection, merely says that Marcus Valerius belonged to the same gens as Publicola[22]. As for the author of the Capitoline Fasti, he was satisfied if his readers overlooked his inconsistencies, when following the Annals in vogue he made the sons of this fabulous progenitor fill curule offices from 245 to 260, and then placed his grandson as military tribune under the year 338.

The fallacious assumption of a historical semblance operates yet further. The poem made Marcus Valerius Maximus fall at the lake Regillus: and as the whole tale of that battle was laid hold on for history, a Manius was

1120 Dionysius II. 46. Plutarch Numa c. 5. p. 62. Publicol. c. 1. p. 97. Another story, how a Valesius settled at Rome, stands in Valerius Maximus II. 4. 5, and Zosimus II. 2. 3: he too is a Sabine, and likewise the progenitor of the Valerian house; for which reason Publicola sacrifices at his altar at Tarentum.

21 See the pedigree in Drakenborch's note on Livy III. 25.

22 Ἐκ τῆς τοῦ Ποπλικόλα συγγενείας γενόμενος. Zonaras VII. 14. A page before this the slovenly Byzantine, when transcribing from Plutarch's Publicola, calls Marcus his brother.

invented, and that too in late times, to whom whatever was recorded of Marcus, the only one known in the time of Cicero and Livy[1123], in the Annals for the years after the battle might be transferred; even his surname of Maximus. The forger, presupposing that he was bound to produce harmony between the several stories, which one and all were to be received without a question, may have been perfectly honest and have satisfied his conscience about the man whom he had made. How often have Manius and Marcus been confounded[24]! Let him have been honest as he may, this very reason leads us to rejoice in our freedom; nor will we allow it to be clogged by his perversity and narrowmindedness.

How long the Valerii continued to hold the consulship for their tribe? when the privilege came to an end? these are questions on which the Fasti can give us no information. The untenable character of the early Roman history does not proceed from the nature of the constitution, so that certainty should begin with the consular government, from there being a register of the consuls for every year: its contents even on this side of the revolution are poetry and fiction: the Fasti, which are designed to substantiate it, are drawn up with a view of filling up the given space of time. That the war of Porsenna is placed by the one set in the second, by others in the third year of the commonwealth, is far from an immaterial difference, when it concerns the greatest event of the period: of greater importance beyond compare is it, that this war may probably belong to a totally different time, and that in the whole account of it there is nothing able to stand the test of any criticism whatever, and to come forth as historical.

1123 That is to say, in the manuscripts.

24 The abbreviation for Manius in the quadrate character is the Etruscan M turned over to the right.

THE WAR WITH PORSENNA.

THE narrative, which since the loss of the ancient Annals has chanced to acquire the character of a traditional history, relates that, after the battle of the forest of Arsia, the Tarquins, in order to obtain more powerful succour, repaired to the court of Lar Porsenna[1125], the king of Clusium; and that he, when his intercession had been rejected, led his army against Rome in their behalf. But this cannot possibly have gained universal currency: Cicero, who yet was very well acquainted with the celebrated legend of Porsenna and Scævola[26], says, neither the Veientines nor the Latins were able to replace Tarquinius on the Roman throne[27]. So that he either held the Veientine war in which Brutus falls, to be the same with Porsenna's: or he discriminated between the latter, as a war of conquest, and the attempts of the neighbouring states to place the government of Rome in the hands of the man who had thrown himself on their protection, and who was to pay them dear for it. And such no doubt is the older and genuine representation.

This narrative then makes the Etruscans under Porsenna march singly against Rome: and so the story runs in Livy: it is by a palpable forgery that in Dionysius we find Mamilius and the Latins taking part with him: the son-in-law of Tarquinius forsooth could not possibly

1125 The way of spelling the name varies between *Porsena* and *Porsenna*: it is a decided blunder however in Martial to shorten the penultimate.

26 Pro Sest. 21. (48). Paradox. I. 2.

27 Tusc. Quæst. III. 12. (27). Tarquinius cum restitui in regnum *nec Veientium nec Latinorum* armis potuisset.

remain inactive. In the poetical account the Etruscan army appears at once and with an overwhelming force before the Janiculum; and the Romans in the fort upon it are overpowered and fly to the river. As the enemy was pursuing them, he was met by Horatius Cocles, to whom the duty of guarding the bridge had been entrusted, and by his comrades Sp. Larcius and T. Herminius. Rome was protected by three men, as by three the dominion over Alba had been won for her; and in this case no doubt there was one of each tribe. While they were arresting the assailing host, the crowd behind them were tearing down the bridge by their order: immovably they bore up against the thousands of the enemy: M. Horatius, the Ramnes, bade his companions also go back, and withstood the shock of the foe alone, like Ajax, until the crash of the falling timbers and the shout of the workmen announced that the work was accomplished. Then he prayed to father Tiberinus, that he would receive him and his arms into his sacred stream, and would save him; and he plunged into the waters, and swam across to the city, amid all the arrows of the enemy[1128]. As a mark of gratitude every inhabitant, when the famine was raging, brought him all the provisions he could stint himself of: afterward the republic raised a statue to him, and gave him as much land as he could plough round in a day.

The statue stood in the Comitium[29]: it happened once that it was struck by lightning, and, by the advice of perfidious aruspexes, was removed to another spot

[1128] Has not one a right to be vexed at the stupidity which thought Horatius had purchased his heroic fame too cheaply if he came off without a wound, and so made a javelin pierce him through the thigh, and lame him for life? Dionysius I. 24. Livy keeps clear of such wretched absurdities. It is another thing, when Polybius, whether after different accounts, or to get rid of every thing fabulous on so exceedingly momentous an occasion, writes that Cocles perished in the river. VI. 53.

[29] What Livy calls the Comitium, Dionysius calls ἐν τῷ κρατίστῳ τῆς ἀγορᾶς τόπῳ: which should be carefully noticed, with a view to other topographical statements.

where the sun never shone upon it. Their fraud however was divulged: the statue received a post on the Vulcanal above the Comitium, and the Etruscans were put to death: this brought good fortune to the republic. In those days the boys sang in the streets:

Who ill aredeth shall his ill areding rue:

and the saying continued from that time forth in the mouth of the people[1130].

That the meaning of the expression *circumarare* in the grant to Cocles should be, that he was to receive all the land inclosed within a furrow which at sunset again reached the point it had begun from at sunrise — as Sultan Mohammed endows the hero of the Turkish ballads with as much of the plain of Macedonia as he can ride round in the course of a day—would be inconceivable, if we had any right to look here for historical tradition. For such a line would have comprehended something near a square league: and more than two hundred years afterward, when Italy had been subdued, but fifty jugers were bestowed on the conqueror of Pyrrhus; which he himself reproved as an act of extravagant prodigality *. The republic had neither the means nor the will to make such large grants: but the poet was at liberty to disregard both these objections. The narrow limits within which it was the aim of the old Roman manners and laws to confine landed property, salutary as they were to the state, did not on that account act the more as a check on the desires of individuals; wealth has in all ages been deemed the pleasantest meed of virtue: and as the poets in Epirus and on Olympus sing of the golden trappings on the

[1130] Gellius IV. 5.

* Pliny XVIII. 4. Valerius Maximus IV. 3. 5. Columella I. 3. Curius Dentatus, prospero ductu parta victoria, ob eximiam virtutem deferente populo præmii nomine quinquaginta soli jugera, supra consularem triumphalemque fortunam putavit esse: repudiatoque publico munere, plebeia mensura (septenum jugerum) contentus est.

horses of the klepts, and of the golden raiment of the damsels; so the *vates* likewise fabled of such splendid rewards for Cocles and Scævola, as Ennius would never have dreamt of as attainable by Scipio Africanus.

Just as little did they trouble themselves about the difficulty how Rome could be starved by an enemy who was only encamped on the Janiculum, even supposing him to have commanded the river. To account for this, the annalists devised certain predatory expeditions on the left bank; and then, to supply the dearth of action and for the honour of their ancestors, they further invented a stratagem of the consuls, by which the Etruscans are entrapt and suffer a considerable loss.

For the poem it was enough, that Rome was reduced to desperate straits by famine. Hereupon a young man, Caius, undertook, with the approbation of the senate, to kill the invading king. He was acquainted with the Tuscan language, and made his way up to the prætorium, where he slew one of the king's attendants, instead of Porsenna. Being overpowered and disarmed, in scorn of the rack which awaited him he thrust his right hand into the flame of the fire upon the altar: the king bade him depart in peace; and Scævola, as from that day forth he was called, because he now had only his left hand, warned him as a token of gratitude, if he prized his life, to desist from the war; for three hundred[1131] young patricians had conspired to rid their country of him: he himself had been chosen by lot to be the first.

He was rewarded by the senate no less splendidly than Cocles[32]: but another tradition modestly named the Prata Mucia in the Transtevere, a field, it would seem, of a few jugers, as the grant bestowed upon him. Now in reply to the question, how he came not to be remunerated

[1131] Here again we have this number, which is for ever recurring as far as the old poems extend.

[32] Dionysius v. 35.

by consulships, I will myself suggest the solution, that at Rome too the ceremonial law required a priest to be without a blemish in any of his limbs; and, because the higher magistracies continued to be connected with the exercise of certain priestly functions, the same was exacted for them[1133]. And if Scævola's name was C. Mucius, he must have been a plebeian; like the family of that name which appears in the Fasti, though not until three hundred years after, whose plebeian character is most decided; like a P. Mucius, without a surname, who is tribune as early as in the third century: and thus the consulate would have lain out of his reach, even if Porsenna had fallen by his hand. But the claim to him set up by the Mucii is doubtless among the most glaring instances of the family vanity censured by Cicero and Livy. The peculiar Roman name for persons, or, as it was afterward termed, the *prænomen*, was of old no less predominant in general use than christian names are nowadays in Italy: even Polybius is still in the habit of putting Publius and Titus for Scipio and Flamininus[34]: and as the practice from that time forward decreases, it must have been the more prevalent the further we go back. Thus the hero of the old lays would probably be merely called Caius: that he was originally regarded as a patrician, as Dionysius terms him—which indeed, if he were a Mucius, could only be excusable from the ignorance of a foreigner,—is the more probable on account of the three hundred young men of whom he speaks as his associates in the enterprise; that is to say, there was one from every house: he himself is called noble by Livy. The surname of the Mucii according to Varro had a totally different

1133 M. Sergius, who was excluded from offering up sacrifices by his collegues, on the ground of his being a cripple (Pliny H. N. VII. 29.), had indeed been prætor: but the inflicting such a mortification on that hero leads us to infer that three centuries earlier he would not have been eligible.

34 Gaudent prænomine molles Auriculæ: simple times love to speak familiarly. Under the emperors this fore-name was supplanted by the surname, first neglected, then entirely forgotten.

sense, and signified an amulet[1135]: it was not peculiar to them; Scæva too was a surname in several families: but as *scævus* means *left*, the hero of the story might also be called Scævula, long before the Mucii were of any note.

As the price of peace the conqueror enjoined that the Veientines should have their seven *pagi* restored to them[36]: and the fort on the Janiculum was only evacuated on the delivery of hostages. Thus far did the feelings of a more sensitive age, wounded by the disgrace of their ancestors, soften down the cruel hardness of the truth. Tacitus alone pronounces the terrible word undisguisedly: the city was forced to surrender to the conqueror[37]: that is to say, submitted to him as her lord; in such a way that the republic made over the government to him, as did every individual a discretionary power over his property, freedom, and life, without any restriction. The vanquished state after this stood in a relation to the ruling one, like that of the individual who had forfeited his independence by an adoption according to the process of arrogation, or by having pledged his person for debt[38]. He who ceased to be his own master, retained what he had hitherto possessed as property, only under the form of an allowance: it was the same with the state that had given up its *res publica* to a lord, so that he might

1135 De L. L. VI. 5. p. 99. Quod puerulis res turpicula in collo suspenditur, —scævola appellata: thus the Florentine MS.

36 De agro Veientibus restituendo *impetratum*, says Livy: can one read such arrogance without indignation.

37 Sedem Jovis Opt. Max. quam non Porsenna *dedita urbe*, neque Galli capta, temerare potuissent. Hist. III. 72. Taken literally, the meaning of Tacitus would be, that Porsenna had been unable to violate it, and consequently that he was not master of the Capitol: it is likely however that *potuissent* refers only to the Gauls.

38 In the formulary for surrendering a city in Livy I. 38, the king asks the envoys: Estne populus Collatinus in sua potestate?—Est.—Deditisne vos, populumque Collatinum, urbem, agros, aquam, terminos, delubra, utensilia, divina humanaque omnia, in meam populique Romani ditionem?—Dedimus. —At ego recipio.

take everything from it at will; and not only the public property, but that of every individual. This condition of outlawry did not terminate until the capacity of personal rights had been reestablished by a process answering to that of emancipation. It was a partial exercise of this plenary power, when a town thus reduced to dependence was amerced of a certain portion of its territory; and this was very frequently a third: afterward, unless the remainder was expressly given back in free possession, a tax on the produce of all the cultivated land was to be paid; which the Romans usually assessed at a tenth. I have called the reader's attention to the fact that a third of the plebeian districts which Rome possessed under Servius Tullius, was lost; and I observed that this loss must have been incurred in the war we call the war of Porsenna *: the mention of the seven *pagi* in the Annals does not prove that nothing more was taken away. But there had also been preserved a tradition that the Romans at one time paid a tenth to the Etruscans [1139]: and this too can only be referred to the present period: it was raised on the districts left to them, and on the public domain.

It was not until the town which had surrendered its independence to another, had recovered it, that a treaty with it could have place; just as an individual could not enter into any contract with those who were subject to his paternal authority, or with his slaves and bondmen. Pliny therefore either uses a very inappropriate expression; or the laws imposed by Porsenna on the Romans belong to the time when at least the form of independence, though defenseless indeed and null, was given back to them. The document from his manner of citing it would seem to have been still in existence, and it shews how low they had fallen. They were

* Above p. 361. n. 911.

1139 From which Hercules delivered them; that is to say, their own prowess. Plutarch Quæst. Rom. XVIII. p. 267. e.

expressly prohibited from employing iron for any other purpose than agriculture[1140]: the people on whom a command of this kind was laid, must have been compelled beforehand to deliver up all their arms[41].

A confession that Rome did homage to Porsenna as its sovran lord, is involved in the story that the senate sent him an ivory throne and the other badges of royalty[42]: for in this very manner are the Etruscan cities represented to have acknowledged L. Tarquinius Priscus as their prince.

What Livy says concerning the evacuation of the citadel on the Janiculum, seems to be connected with the restoration of independence to the city after it had been disarmed. The twenty patrician hostages, boys and damsels, refer clearly from their number to the curies of the first two tribes; whose precedence extended, as was reasonable, to whatever sacrifices were to be made. With regard to these hostages there is again a twofold story: the more celebrated one, that Clœlia effected her escape out of Etruria at the head of the maidens, and swam across the Tiber; that she was sent back, was restored to liberty by Porsenna, and allowed to deliver the boys out of their captivity; and that she was then rewarded at Rome with a horse and arms[43],

1140 Pliny H. N. xxxiv. 39. In *foedere* quod expulsis regibus populo Romano dedit Porsenna, *nominatim comprehensum invenimus*, ne ferro nisi in agri culturam uterentur. This and the equally important passage of Tacitus (note 1137) were first noticed by Beaufort: and they are perfectly sufficient for his purpose, which was merely negative. The critical examination of this war is the most successful part of that remarkable little work.

41 *Arma ademta, obsidesque imperati*, would be the way of telling the story, if the historian were speaking of a town which had submitted in the same manner to the Romans. Dionysius does not fall far short of this confession, in a harangue put into the mouth of M. Valerius: διδόντες καὶ ἀγορὰν, καὶ ὅπλα, καὶ τἄλλα ὅσων ἐδέοντο Τυῤῥηνοὶ παρασχεῖν ἐπὶ τῇ καταλύσει τοῦ πολέμου. v. 65. This is not indeed παραδιδόντες τὰ ὅπλα, and sounds rather as if it was done in compliance with a military requisition: but that is the very point where the disguise lies.

42 Dionysius v. 35. See above p. 306.

43 Fragment of Dion Cassius iv in Bekker's Anecd. i. p. 133. 8.

and a statue in the Via Sacra of a damsel on horseback: —the more obscure one, that Tarquinius fell upon the hostages as they were conducted into the Etruscan camp; and, with the exception of Valeria who fled back to the city, massacred them all[1144].

Porsenna meanwhile had returned to Clusium: he had sent his son Aruns with a part of his army against Aricia, in those days the principal city of Latium[1145]. The Aricines received succour from other cities, among the rest from Cuma: and the Cumans, who had the distresses of a hard siege to avenge, decided the defeat of the Etruscans, whose general fell. The fugitives met with hospitable entertainment at Rome, and their wounds were taken care of; many of them were unwilling to leave the city again, and built the Vicus Tuscus: Porsenna, that he might not be outdone in magnanimity, gave back the hostages and the seven *pagi*[46].

The Roman annalists let the Etruscan hero display his liberality at the expense of his dependents or allies; for these *pagi* had been restored to Veii: and had this occurred to them, they would not have been slow to devise some act of perfidy or other, by which the Veientines should have exasperated the noble spirit of their protector to punish them; just as a like inducement was contrived, to make him abandon the Tarquins. But even in the time of the decemvirs so far were the Romans from having regained their Etruscan territory, that the Tiber then formed their boundary; for the exception

1144 Pliny XXXIV. 13. The two stories are clumsily mixed up together by Dionysius v. 33, and by Plutarch Publicol. c. 19.

45 For this reason it has a temple of Diana: the opposition to Tarquinius made by Turnus Herdonius contains a reference to the pretensions and the circumstances of this city: so does the account in Dionysius (v. 61) of the Aricines exciting Latium to war against Rome.

46 No doubt the traditions were still richer in individual instances of a chivalrous intercourse during the war with Porsenna. The following is assuredly an ancient one: a truce had been concluded, and it happened that some games were celebrated just at the same time: on this the Tuscan generals came into the city, won the crown, and received it. Servius on Æn. XI. 134.

of the Janiculum and the Ager Vaticanus may go for nothing.

Were the Romans incapable of feeling that chains which we burst by our own strength are an ornament? The defeat of the Etruscans before Aricia is unquestionably historical: the victory of the Cumans, which led Aristodemus to the sovranty, was related in Grecian annals: had not those of the Romans through false shame concealed their previous humiliation, they might have told with triumph how their ancestors had courageously seized upon that moment, although disarmed and threatened in what they held dearest, to break the yoke of the tyrant. At such a time the flight of the hostages might avail to some purpose, and the heroine who led them might deserve to be rewarded.

This insurrection must have placed much of the property which belonged to the foreign ruler within the city, at the disposal of the emancipated Romans; and thus no doubt gave rise to the symbolical custom at auctions of selling the goods of king Porsenna. Livy, who found it still in existence, felt that it did not agree with the story about the amicable termination of the war: only he ought likewise to have rejected the shallow explanation of it which was offered.

That Porsenna was a hero in the Etruscan legends, that they must have placed him in very remote ages beyond the reach of history, seems to be implied in the fabulous account of his monument; a building totally inconceivable, except as raised by magic, and which must have vanished like Aladdin's palace *. Possibly the Roman tradition may not have had any ground for connecting him with that Etruscan war which cast Rome down from her highth: thus much we may assert, that of this war down to its end not a single stroke can pass for historical.

It is a peculiarity of the Roman annals, owing to

* See above note 365.

the barren invention of their authors, to repeat the same incidents on different occasions, and that too more than once. Thus the story of Porsenna's war reflects the image of that with Veii in the year 277, which after the misfortune on the Cremera brought Rome to the brink of destruction. In this again the Veientines made themselves masters of the Janiculum; and in a more intelligible manner, after a victory in the field: here again the city was saved by a Horatius; the consul who arrived with his army at the critical moment by forced marches from the land of the Volscians: the victors, encamping on the Janiculum, sent out foraging parties across the river and laid waste the country; until some skirmishes, which again took place by the temple of Hope and at the Colline gate, checked their depredations: yet a severe famine arose within the city. At the same time, though all this has only been transplanted into the war of Porsenna to fill up the vacant space, yet few events of the early ages are so decidedly historical as the result of that war. Nor can we suppose that this result was that of the war in the year 277, although this indeed dies away without coming to a conclusion: that by which Rome, though it recovered itself and regained its independence, lost ten regions, must be placed before the secession of the commonalty; for at that time the tribes must have been only twenty, or one and twenty; to which last number it is said in the Annals that they were raised in the year 259. I think however it was not very far off from that period.

That the returns of the census anterior to the conquest by the Gauls are spurious, is a point by no means made out; and at all events they represent a view that was taken of the growth or the decline of the Roman state. Had an annalist invented them, he would have framed them to suit with his stories: if then they are utterly irreconcilable with the Annals, they must be expressions handed down from a time considerably earlier, and so are deserving of attention. Now Dionysius gives the

returns of the years 246, 256, and 261, by the numbers 130000, 150700, and 110000: in our annalists the war with Porsenna falls between the first and second: between 256 and 261 there is neither a pestilence nor a loss of territory; but on the contrary there is the victory over the Latins. Nothing can be more incongruous: if however we do not let ourselves be dazzled by the Annals because they hold up dates to our view, we may still make an attempt to explain this. The former increase may have arisen from the extension of the Cærite franchise: the decrease of 40700, during years for which Livy hardly gives anything but names with scarce a single event, from the loss of the regions wrested from Rome, perhaps also from that of towns taken from Latium. For who can certify us that the great Volscian war did not also occur within this period? The diminution in the number of citizens, whether of Rome or Latium, cannot have been quite proportionate to that of territory; since, even if the main part continued to cleave to the soil in the conquered district, yet without doubt many removed to dwell with their remaining free fellow-countrymen.

In this way the war is brought nearer to the epoch of the building of Capua, which took place, according to Cato, about the year 283 *: and the same will have been the period of that Etruscan dominion over a nation nearer their home, the Volscians, of which the same Cato had spoken at length[1147]. Nor is the servitude of Latium under Mezentius anything but the recollection of this time thrown back into an earlier: and perhaps the antiquarian learning of Virgil may have actually made him acquainted with traditions representing the same Etruscan, whose yoke Latium afterward cast off again, as the taker of Agylla †; which in the time of Cyrus, when it sent to consult the oracle of Delphi, may still have been a purely Tyrrhenian city.

* Above p. 60.

1147 Servius quoted above, note 866.

† Æn. VIII. 479. ff. See above p. 30.

It is true, if the date of the Etruscan war against Cuma were historically certain, internal reasons would forbid our placing the expedition of Aristodemus to Aricia above ten years later than the common accounts: for it is incredible enough already that the oligarchs should have delayed seeking his destruction, when their motive for doing so was their animosity conceived during that war, until twenty years after it[1148]. It was not in this smouldering way that feuds crept along in the states of antiquity. But it is solely from his own calculations that Dionysius determined the length of this period; for the date of the Cuman war was fixed for him by Greeks[49], that of the Aricine by Romans. To my mind chronological statements concerning a war in which the rivers turn their course backward, carry just as much weight as those in the fable of the Pelopids where the sun does the same: and if any one believes that the Cuman history of this period rests on surer foundations than the Roman, let him compare the story of Aristodemus in Dionysius with the one in Plutarch[50].

[1148] Dionysius VII. 5.

[49] Perhaps by Timæus: but more probably by the chronicles of Naples, where the fugitives from Cuma found a reception; and that these brought over legendary tales with them is no less certain than that they did not preserve any authentic documents. If Herodotus (I. 29) made a mistake of ten Olympiads with regard to the legislation of Solon, what importance is due to a date of this kind. The mention of the Campanians is a sign that the source was recent.

[50] Mulier. Virtut. XXVI. p. 261. According to this version it is to the Romans that Aristodemus brings assistance.

THE PERIOD
DOWN TO THE DEATH OF TARQUINIUS.

When we reach the borders of mythical story, which without a miracle could not be immediately followed by annals, we are constrained to adopt a division of time into periods: so that I am not to be reproached for its being immethodical. The opinion we are to form with regard to the pretended histories of the period just marked out, is evident from a comparison of the two historians. Livy under 251 and 252 narrates a war against Pometia and the Auruncians, and repeats the same again afterward, under the year 259, as a war against the Volscians[1151]: of an oversight like this Dionysius could not be guilty, and he relates it only in the latter year. On the other hand Livy, who on this point is the more inconsiderate of the two, displays much greater judgement on occasion of the Sabine wars; mentioning nothing about them except two triumphs out of the Fasti; without a syllable on the military occurrences of the five campaigns circumstantially recounted by Dionysius.

Nor does the latter go less into detail in describing the events of the Latin war; concerning which nothing but the battle of Regillus is narrated in Livy; except under 255, where it is said, as briefly as possible, that Fidenæ was besieged, Crustumeria taken, Præneste came over to the Romans. As to the celebrated battle itself

1151 The three hundred hostages who are put to death in II. 16, are the same who are given up in II. 22.

he tells us candidly, that if some, whom he followed, placed it in the year 255, others put it off till 258 under the consulship of Postumius; Dionysius does so: from which variation it is clear that the oldest triumphal Fasti made no mention of it. Without doubt too it was only the later annalists who spoke of Postumius as the commander; they had already forgotten that the Africanus whose renown was sung by the Calabrian muses, was the first Roman who gained a surname from his conquest[1152]; and they did not observe how frequently surnames derived from a place of residence occur in the Fasti of the earliest times: as the Claudii took that of Regillensis, so did the Postumii. As inserted in history this battle stands without the slightest result or connexion: the victory is complete; and, after several years have passed away in inaction, a federal treaty sets its seal to the perfect independence and equality of the Latins, the very point to decide which the battle was fought.

So that here again we have merely a heroic lay; another fragment of which has been preserved by Dionysius. Before the melancholy contest between the two kindred nations broke out, they engaged to keep at peace for a year, that the numberless ties by which their citizens were reciprocally bound, might be amicably dissolved. Permission was also granted to such women of each nation as had married in the other, to return to their friends, and to take their daughters along with them. All the Roman women[53] left their Latin husbands: all the Latin women, except two, remained at Rome. The proud virtue of the matrons was still blooming in full purity at the time when these lays were composed.

1152 Primus certe hic imperator nomine victæ ab se gentis est nobilitatus: exemplo deinde hujus, etc. Livy xxx. 45.

53 Away with the insipid refinement μικροῦ δεῖν πᾶσαι. Dionysius vi. 1.

The battle at the lake Regillus, such as Livy describes it, is no engagement between two armies; it is a conflict of heroes like those of the Iliad. All the leaders encounter hand to hand, and it is by them that the victory is thrown now into one scale, now into the opposite; while their troops fight without producing any effect. The dictator Postumius wounds king Tarquinius, who at the beginning of the battle advances to meet him[1154]: T. Æbutius, the master of the horse, wounds the Latin dictator: but he himself too is disabled, and forced to retire from the field. Mamilius, only aroused by his hurt, leads the cohort of the Roman emigrants to the charge, and breaks the front lines of the enemy: this glory the Roman lays could not allow to any but fellow-citizens, under whatever banner they might be fighting. M. Valerius, surnamed Maximus, falls as he is arresting their progress: Publius and Marcus, the sons of Publicola, meet their death, while they are rescuing the body of their uncle[55]: but the dictator with his cohort avenges them all, repulses the emigrants and puts them to flight. In vain does Mamilius strive to restore the day: he is slain by T. Herminius, the comrade of Cocles: Herminius again is pierced through with a javelin, while he is stripping the Latin general of his arms. The Roman knights, fighting on foot before the standards, at length decided the victory: then they mounted their horses, and routed the yielding enemy. In the battle the dictator had vowed a temple to the Dioscuri: two gigantic youths on white horses were seen

1154 Dionysius is vexed with Macer and Gellius, for not calculating that Tarquinius, even supposing him the grandson of Priscus, must have been ninety years old: is it intentionally that he suppresses their both calling the exile the son of Priscus? so that according to the tables his age must have been 120. He himself substitutes Titus Tarquinius for his father, with a view of saving the battle for history.

55 This is mentioned by Dionysius alone: that it is drawn from an ancient source is the more certain, since they come forward as actors in a subsequent part of his history. See Glareanus and Sylburg on Dionysius VI. 12.

fighting in the front lines; and I surmise—from its being said, immediately after the mention of the vow, that the dictator promised rewards to the first two who should scale the wall of the enemy's camp—that the poem related, nobody had challenged these prizes, because the way for the legions had been opened by the Tyndarids [1156]. The pursuit was not yet over, when the two deities appeared at Rome, covered with dust and blood: they washed themselves and their arms in the fountain of Juturna beside the temple of Vesta, and announced the events of the day to the people assembled in the Comitium: on the other side of the fountain the promised temple was built. The print of a horse's hoof in the basalt on the field of battle remained to attest the presence of the heavenly combatants [57].

This it must be owned is a rich and beautiful epical narrative; and yet assuredly our historians were not acquainted with the genuine old representation. This gigantic battle, in which the gods openly take part and determine the result, closes the *Lay of the Tarquins;* and I am convinced that I am not mistaken in conjecturing that in the old poem the whole generation who had been warring with one another ever since the crime of Sextus, were swept away in this *Mort of Heroes:* he himself according to Dionysius fell here. If in our accounts king Tarquinius is only wounded and escapes, this is by way of making the story tally with the historical fact of his dying at Cumæ. Mamilius is slain: Marcus Valerius Maximus is slain, in spite of the historical traditions that he was dictator some years after: and Publius Valerius, who also finds his death, is assuredly not Publicola's son, but Publicola himself. Herminius is among them: so most unquestionably was Larcius, the

1156 As was the case in the battle of Fabricius against the Lucanians. Valerius Max. I. 8. 6.

57 Cicero de Nat. Deor. III. 5[11].

second companion of Cocles, and doubtless no other than the first dictator: only he is kept in the background, because the poet has put a different one at the head of the army. Thus the manes of Lucretia were appeased: and the men of the heroic age depart out of the world before injustice begins to domineer, and gives birth to insurrection, in the state which they had delivered.

The account in the Annals, which places the death of Publicola in the year 251, is not more authentic than the poetical story: assuredly it has no other foundation than that his name is not met with further on in the Fasti. The funeral orations of his family have supplied us with the information that the matrons mourned ten months for him, as they did for Brutus; and that he was buried at the public expense. According to one story it was defrayed from the common chest of the burghers [1158]; which agrees with his name Poplicola: according to the other a quadrant ahead [59] was contributed by the people, that is, by the commonalty: for this was a plebeian mark of respect. Probably in conformity with the ancient practice neither of the two estates was behindhand with the other, as the fact is represented on the decease of Menenius Agrippa [60]. The payment of such a last honour is no ground for supposing that either of the two died in want.

The death of Tarquinius at Cuma is certainly historical: but the only reason for its being placed in the year 259 is no doubt because the ferment among the commonalty broke out in that year; and the tradition ran, that,

1158 De publico est elatus. Livy II. 16.

59 Plutarch Publicol. c. 23. p. 109. The Greek language, less rich in political terms than the Latin, has only the single word δῆμος to express the whole people and the commonalty: this has given rise to a number of misapprehensions.

60 The passage on this subject in Dionysius (VI. 96) deserves attention, on account of the manner in which the estates are distinguished; but it is of too great length to be inserted here.

so long as he lived, the patricians kept within bounds. Aristodemus, whose name is infamous among the earlier Greek tyrants for his atrocities, became the heir of his illustrious client; and some years after brought forward claims to his property, and made them good against the republic. Of the sons and grandsons of the Roman exiles, some may have been still alive and among the followers of Appius Herdonius when he seized the Capitol, and may have breathed their last in the birthplace of their fathers.

Among the events placed in this last portion of the mythical age is the reception of the Claudian gens: in the year 250 Attus Clausus, a powerful Sabine, migrated with the members and clients of his house to Rome. Clausus is in Virgil the eponymus of the house and of the tribe, belonging to an age anterior to the Romans *: which indisputably agrees with the spirit of antiquity: Claudius is derived from Clausus, as Julius is from Iulus, and is not a dialectic variety of the name. I here repeat the conjecture that the Claudii were designed to replace the Tarquinian house and tribe †. So that perhaps there is no ground for the statement that two jugers of public land were assigned to every client; and the plebeians in this tribe may have been quite as independent as in every other: else it would look like an attempt to intermix tribes of clients with those composed of the free proprietors[1161]. The one and

* Above note 915. † Above note 912.

1161 Above p. 363. Livy II. 16. His civitas data, agerque trans Anienem. Vetus Claudia tribus—appellata. This epithet occurs nowhere else, anymore than a *Claudia nova* does; and it is so singular, that I should be disposed to read: trans Anienem *veterem*. Claudia tribus etc. For some of my readers it may not be superfluous to remark that the *Anio vetus* was the aqueduct from the Teverone to Rome, begun by Curius. (Frontinus de Aquæd. I.) Now if the region of the Claudian tribe lay between Fidenæ and Ficulea, according to the reading of Lapus and Gelenius in Dionysius (v. 40), half of it would be on the Roman side of the river Anio: but the whole was beyond that aqueduct. If Suetonius (Tiber. c. I) says merely *trans Anienem*, yet this does not refute my conjecture.

twentieth tribe of the year 259 must be the Crustumine[1162]: this was the first that was substituted for one of the lost ten: as it was also the first which was named after a place, instead of an *Indiges* or *Semo*. Crustumeria is said to have been taken in the Latin war: its citizens, who had previously been colonists, now became plebeians.

1162 This has already been conjectured by Panvinius: who however had no other notion on the subject, than that there had been only twenty plebeian tribes ever since the time of Servius.

THE DICTATORSHIP.

THE appointment of the first dictator is placed in the tenth year after the first consuls; and by the oldest annalists T. Larcius is named as the person. Among a variety of contradictory statements, one invented by the vanity of the Valerian house assigned this honour to a nephew of Publicola. According to the date just mentioned Larcius was consul at the time, and so would only have received an enlargement of his previous power: another account related as the occasion of the appointment, what sounds probable enough, that the republic had been placed by an unfortunate choice in the hands of two consuls of the Tarquinian faction, whose names were subsequently rendered dubious by indulgence or by calumny.

That the name of dictator was of Latin origin, is acknowledged; and assuredly the character of his office, as invested with regal power for a limited period, was no less so: the existence of a dictator at Tusculum in early, at Lavinium in very late times*, is matter of history; and from Latin ritual books, which referred to Alban traditions[1163], Macer was enabled to assert that this magistracy had subsisted at Alba[64]; though it is true that the preservation of any historical record concerning Alba is still more out of the question than that of any concerning Rome before Tullus Hostilius. The Latins however did

* Cicero pro Milone 10(27).

[1163] The Julii had their altar in the theatre at Bovillæ consecrated *lege Albana;* which would lead us to infer that there was something more than oral tradition.

[64] Dionysius v. 74.

not merely elect dictators in their several cities, but also over the whole nation: from a fragment of Cato we learn that the Tusculan Egerius was dictator over the collective body of the Latins[1165]. Here we catch a glimmering of light; but we must follow it with caution. If Rome and Latium were confederate states on a footing of equality, in the room of that supremacy which lasted but for a brief space after the revolution, they must have possessed the chief command alternately: and this would explain why the Roman dictators were appointed for only six months; and how they came to have twenty-four lictors. These were a symbol that the governments of the two states were united under the same head: the consuls had only twelve between them, which went by turns from one to the other. And so the dictatorship at the beginning would have been directed solely toward foreign affairs; and the continuance of the consuls along with the dictator would be accounted for: nay, the dictatorship, being distinct from the office of the *magister populi*, might sometimes be conferred on him, sometimes on one of the consuls.

The object aimed at in the institution of the dictatorship, as in its very origin I call this office, by the name which in the course of time supplanted the earlier one, was incontestably, to evade the Valerian laws, and to re-establish the unlimited authority over the plebeians even within the barriers and the mile of their liberties[66]: for the appeal to the commonalty granted by the law was from the sentence of the consuls, not from that of this new magistrate. Nor does such an appeal ever seem to have been introduced, even at the time when the power of the tribunes had grown to an inordinate excess: the Romans rather chose to let the dictatorship disappear:

[1165] Origin. II. in Priscian IV. 4.

[66] *Δικάζειν καὶ ἀποκτείνειν καὶ οἴκοι καὶ ἐν στρατείαις ἠδύνατο, καὶ οὐ τοὺς τοῦ δήμου μόνον, ἀλλὰ καὶ τῶν ἱππέων, καὶ ἐξ αὐτῆς τῆς βουλῆς.* Zonaras VII. 13.

and it is with perfect justice that the tradition records how the commonalty was alarmed by the appointment of a dictator[1167].

That even the members of the houses at the first had not the right of appealing against the dictator to their comitia, which right they had already possessed under the kings, is expressly asserted by Festus[68]: but at the same time he adds that they obtained it. This is confirmed by the example of M. Fabius; who, when his son was persecuted by the ferocity of the dictator, appealed in his behalf to the populus[69]; to his peers, the patricians in the curies.

The later Romans had only an indistinct knowledge of the dictatorship, derived from their earlier history. With the exception of Q. Fabius Maximus in the second campaign of Hannibal's war, whose election and situation moreover were completely at variance with ancient custom, no dictator to command the army had been appointed since 503; and even the comitia for elections had not been held by one since the beginning of the Macedonian war. As applied to the tyranny of Sylla and the monarchy of Cæsar, it was merely a name, without any ground for such a use in the ancient constitution. Hence we can account for the errour of Dion Cassius, when, overlooking the freedom of the patricians, he expressly asserts that in no instance was there a right of appealing against the dictator; that he might condemn knights and senators to

1167 Creato dictatore—magnus *plebem* metus incessit.

68 V. Optima lex. Postquam provocatio ab eo magistratu ad *populum* data est, quæ antea non erat.

69 *Provoco ad populum*, according to the law of Tullus Hostilius, *provocatione, cui Tullus Hostilius cessit.* Livy VIII. 33. The senators repaired from the *Curia* to the *concio*, that is, to the Comitium, close by the *Curia*. Fabius was not displeased to be sent down from the *rostra* to the Comitium, where he might speak freely, as a member of the great council of the populus. The aid of the tribunes might be serviceable in case of extremities; because their persons were inviolable: but in no way could the affair be brought before the *concilium* of the plebs.

death without a trial[1170]: as we can for that of Dionysius, in fancying he decided on every measure at will, even about peace and war[71]. Such notions, out of which the moderns have drawn their phrase *dictatorial power*, are suitable indeed to Sylla and Cæsar: with reference to the genuine dictatorship they are utterly mistaken[72].

The same ignorance as to the ancient state of things is involved in the notion of Dionysius, that, after the senate had merely come to a resolution that a dictator was to be appointed, and which of the consuls was to name him, the consul exercised an uncontrouled discretion in the choice[73]: which opinion, from being delivered with such positiveness, has become the prevalent one in the treatises on Roman antiquities. Such might possibly be the case, if the dictator was restricted to the charge of presiding over the elections, for which purpose it mattered not who the individual might be: in the second Punic war, in 542, the consul M. Valerius Lævinus asserted it as his right[74]; and in the first, the practice must already have been the same; for otherwise P. Claudius Pulcher could not have insulted the republic by nominating M. Glycia*. But never can the disposal of kingly power have been entrusted to the discretion of a single elector.

The pontifical lawbooks, giving after their manner a historical representation of the principles of the

[1170] Zonaras quoted above, note 1166.

[71] v. 70. 73. Πολέμου καὶ εἰρήνης καὶ παντὸς ἄλλου πράγματος κυρία (ἀρχὴ) αὐτοκράτωρ καὶ ἀνυπεύθυνος.

[72] Of the latter on the contrary are we to understand the statement in the same passage of Zonaras, that the dictator (like the consuls) could not draw upon the treasury beyond the credit upon it granted to him by the senate.

[73] v. 73. Οὐ παρὰ τοῦ δήμου τὴν ἀρχὴν εὑρόμενος—ἀλλ' ὑπ' ἀνδρὸς ἀποδεχθεὶς ἑνός. Compare the whole account just before this of the appointment of T. Larcius.

[74] The senate decreed that the consul should inquire the will of the people as to the person to be appointed, and should proclaim him whom they chose: the consul *negabat se populum rogaturum quod suæ potestatis esset*. Livy XXVII. 5.

* Livy Epit. XIX. Suetonius Tiber. c. 2.

constitution, had preserved the true account. For what source but this can have supplied Dionysius with the resolution of the senate, as it professes to be, that a citizen whom the senate should nominate and the people approve of, should govern for six months[1175]? The people here is the populus: it was a revival of the ancient custom for the king to be elected by the patricians: and that such was the form, is established by positive testimony[76].

Still more frequently, and throughout the whole first decad of Livy, do we find a statement of a decree of the senate whereby a dictator was appointed, without any notice of the great council of the patricians[77]. The old mode of electing the kings was restored in all its parts: the dictator after his appointment had to obtain the *imperium* from the curies[78].

1175 Ὃν ἂν ἥ τε βουλὴ προέληται, καὶ ὁ δῆμος ἐπιψηφίσηται. Dionysius v. 70.

76 M. Valerius—qui primus magister *a populo* creatus est. Festus v. Optima lex.—Accepto senatus decreto ut comitiis curiatis revocatus de exilio *jussu populi* Camillus dictator extemplo crearetur. Livy v. 46.—Ap. Claudium dictatorem *consensu patriciorum* Servilius consul dixit. vii. 6. —Before the secession of the plebs Appius was on the point of being created dictator; but the consuls and the *seniores patrum* contrived to prevent it (ii. 30): so that the annalist had in his eye an election by the *juniores*, the curies.

77 iv. 17. Senatus dictatorem dici Mam. Æmilium jussit.—23. Senatus Mam. Æmilium dictatorem iterum dici jussit.—46. Dictator ex S. C. dictus Q. Servilius Priscus. viii. 17. Dictator ex auctoritate senatus dictus P. Cornelius Rufinus. ix. 29. Auctore senatu dictatorem C. Junium Bubulcum dixit. x. 11. M. Valerium consulem omnes centuriæ dixere, quem senatus dictatorem dici jussurus erat. The whole story of Q. Fabius constraining himself to declare his mortal enemy dictator (ix. 38), implies that L. Papirius was already nominated, but would not have been able to enter upon his office, unless the consul proclaimed him. Even Dionysius in one instance recognizes the nomination or proposal by the senate. vii. 56. Δικτάτωρ ὑφ' ὑμῶν αἱρεθείς. The following passages also apply to the election by the senate. ii. 30. Manium Valerium creant (consules senioresque patrum). iv. 21. Dictatorem dici A. Servilium placet. vi. 2. Placuit dictatorem dici M. Furium Camillum. vii. 12. Dictatorem dici C. Sulpicium placuit. The following passages have a wider sense. iii. 26. L. Quinctius Cincinnatus consensu omnium dicitur. vi. 28. Dictatorem T. Quinctium Cincinnatum creavere: *creavere* contains a reference to comitia. See for instance iv. 11.

78 Livy ix. 38, under the year 444: (L. Papirio Cursori) legem curiatam de imperio ferenti triste omen diem diffidit.

From possessing this right of conferring the *imperium*, the patricians could dispense with their vote on the preliminary nomination of the senate. The appointment of a dictator was an affair that required despatch: some augury or other might interrupt the curies: it was bad enough that there were but too many facilities for this at the time when he was to be proclaimed by the consul, and when the law on his *imperium* was to be passed. And after the plebeians had obtained a share in the consulate, as the senate was continually becoming more and more nearly a fair mixture of the two estates, it was a gain for the freedom of the nation, provided the election could not be transferred to the centuries, to strengthen the power of nominating vested in the senate. Under the old system a plebeian could not possibly be dictator: and as C. Marcius in the year 399 brought this office into his own order, whereas in 393 it is expressly stated that the patricians gave their assent to the appointment, it is almost certain that the change took place within this interval. So late as in 444 the bestowal of the *imperium* was assuredly something more than an empty form: but it became such by the Mænian law: thenceforward it was only necessary that the consul should consent to proclaim the person named by the senate. Thus after that time, in the advanced state of popular freedom, the dictatorship could occur but seldom except for trivial purposes: if on such occasions the appointment was left to the consuls, they would likewise advance pretensions to exercise it in the solitary instances where the office still had any real importance[1179].

However, when P. Claudius misused his privilege in mockery, the remembrance of the ancient procedure was

[1179] These transitions are exhibited in the account by Dionysius, how at the very first establishment of the dictatorship the people committed the choice to the senate, the senate to the consuls: as to the *imperium* he knows nothing of it. If invented by him, this symbolical representation would be idle: but he met with it in his books; and we are now already acquainted with many similar ones.

still fresh enough for the senate to have the power of annulling the scandalous appointment. To do so, there will not have been need even of the ground supplied by the legal limitation mentioned by Livy, that none but consular men should be eligible. A law of those early times can only have spoken of prætors and such as had been so: for which reason, and because the prætor continued to be deemed a collegue of the consuls, it was not at variance with that law for L. Papirius Crassus to be made dictator in 415: and the other cases which, if the rule be interpreted strictly of such men as had actually been consuls, would be violations of it, might probably be explained in the same way, if we had prætorian Fasti [1180].

In a number of passages it is distinctly stated that the master of the knights was chosen by the dictator at pleasure. But this again must be the more recent practice: at all events his appointment in one instance is attributed to the senate no less clearly than that of the dictator; as at the origin of the office it is at least in general terms to electors [81]: and the decree of the plebs which in 542 raised Q. Fulvius Flaccus to the dictatorship, enjoined him to appoint P. Licinius Crassus *magister equitum* *. What was the civil character of this officer, lies in total obscurity: that he was not merely the master of the horse and the dictator's lieutenant in the field, is certain. I conjecture, that he was elected by the centuries of plebeian knights,—as the *magister populi* was by the *populus*,

1180 Did Rome excite the attention of Aristotle? As he does not quote its constitution, which in his days was just in its prime, in the *Politics*, he must in fact have been ignorant of it. But the remark (Polit. IV. 10. p. 112. c.), ἐν βαρβάρων τισὶν αἱροῦνται αὐτοκράτορας μονάρχους, probably refers to the Romans, as well as the Samnites and Lucanians. He alludes to the analogous example of the *æsymnetes*; and Dionysius does exactly the same when speaking of the dictatorship.

81 Livy VIII. 17. Dictator ab consulibus ex auctoritate senatus dictus P. Cornelius Rufinus, magister equitum M. Antonius. II. 18. of Larcius and Sp. Cassius—creatos invenio. Consulares legere.

* Livy XXVII. 5.

the six suffragia,—and that he was their protector[1182]. The dictator may have presided at the election, so as to let the twelve centuries vote on the person he proposed: this would afterward fall into disuse, and he would name his brother magistrate himself.

1182 This would be a reason why a plebeian could hold this office even before the Licinian law. See above, p. 459. A reference to the plebeian knights may perhaps be discernible, where C. Servilius Ahala is sent by the dictator to Sp. Mælius. Livy IV. 14.

THE COMMONALTY BEFORE THE SECESSION, AND THE *NEXI*.

The appointment of the dictator by the curies is a step backward from the constitution of Servius, evincing a settled plan to rob the plebeians of its advantages and honours, while its burthens were still to remain with them. The encroachments of the patricians went further: the election of the consuls was also withdrawn from the centuries: that it was so will be proved in the sequel of this history, at the period when the plebeians recovered a part of their rights. If this was a sheer usurpation, and not a compulsory bargain, it must have occurred before the secession of the commonalty.

What are we to think of a history which contains not a word of such changes! And deep as is the obscurity lying over this period, no less gloomy is everything belonging to it that our researches can discover. After the banishment of the Tarquins the government had behaved with kindness to the commonalty: it is related that all duties were then done away with; that the city took the salt-trade into its own hands, to put a stop to the extortion of the retail-dealers[1183]: the statement that the plebs was exempted from tribute, must be understood to mean, either that the whole charge of paying the troops

1183 Livy II. 9.

was thrown upon the ærarians *, or that the system of arbitrary taxation introduced under the last Tarquinius was abolished. The Valerian laws restored the good laws of king Servius with regard to life, personal security, and honour. In like manner the first consuls are said to have renewed the laws which prohibited the pledging of the person[1184]: that the guilds and their motes were reestablished, follows of course.

But it was only while Tarquinius continued an object of alarm, and till the hard war with Etruria was brought to a close, that the government, as Sallust says, ruled with justice and moderation. Afterward the patricians dealt with the plebeians as with slaves, tyrannically maltreated them in their persons and in their lives, thrust them out of all share in the public domain, and exercised the government alone, to the exclusion of their fellowcitizens: by which outrages, and above all by the pressure of usury, the commonalty, being forced at once to pay tribute and to serve in uninterrupted wars, was at last driven into insurrection. This representation has been adopted by the greatest father of the western church as evidently true[85]. To the same effect Livy relates that, so long as Tarquinius lived in exile, the favour of the plebs was courted: but that after his death the nobles began to maltreat it[86]. I repeat, that chronological statements with regard to this period are totally idle; only it is too great a violation of all probability, when Livy places the king's death, the change in the conduct of the patricians, and the beginning of its fruits, the first disturbance, all within the

* See above p. 412.

1184 Dionysius v. 2. Καὶ τοὺς νόμους τοὺς περὶ τῶν συμβολαίων τοὺς ὑπὸ Τυλλίου γραφέντας, φιλανθρώπους καὶ δημοτικοὺς εἶναι δοκοῦντας, οὓς ἅπαντας κατέλυσε Ταρκύνιος, ἀνενεώσαντο.

85 Augustin de Civitate Dei II. 18.

86 II. 21. Plebi, cui ad eam diem summa ope inservitum erat, injuriæ a primoribus fieri cœpere.

same year. Some annalist or other must have mentioned the evil, which without doubt had been waxing worse and worse during several years, for the first time by way of preface at the epoch when it reached its full growth.

That the oligarchy should have been strong enough, when aided by the terrours of the dictatorship, openly to revive the ancient laws of debt, is no way incredible: but when we find these laws not only remaining unaltered at the peace between the two estates, but outliving those of Licinius for half a century, this casts great doubts on the story that they had already been twice abolished in the very early ages. Be this as it may, that difference between the rights of the two orders, which afterward caused the need for the legislation of the decemvirs, was in this point so deeply rooted, that it lasted for four generations after the laws of the twelve tables: hence Livy, when he is about to relate the abolition of bondage for debt, says, this was the commencement of a new freedom for the plebs[1187]. This remark clearly belongs to the annalist, not to Livy: and it may therefore be regarded as a distinct assertion on what otherwise could only be known from inference, though with perfect certainty; namely, that the pressure of this system fell on the plebeian debtor alone. As to the patrician, it is not possible that he should ever have either pledged his person by covenant, or been sentenced to servitude by the law.

Now if the only difference had been, that the original citizens enjoyed a better state of law within their own body, this would not have bred any feud between the two estates: the plebs might have passed a resolution to adopt the same system, and would have had no trouble in obtaining the sanction of the ruling class for it, if requisite. But unfortunately it was the interest of the patricians to stand up for the cruel system of personal

[1187] VIII. 28. Eo anno plebi Romanæ velut aliud initium libertatis factum est, quod necti desierunt. See above p. 371.

pledges, as much as for any privilege of their order. Livy himself in spite of his prejudices does not suppress what was to be read in the Annals; that every patrician house was a gaol for debtors, and that in seasons of great distress, after every sitting of the courts, herds of sentenced slaves were led away in chains to the houses of the noblesse[1188]. Dionysius too represents king Servius as saying, that the cruel usury of the patricians, who by its means were reducing free citizens to servitude, and their pretensions to the exclusive occupation of the public domain, were the motives which were urging them to plot his death[89]: and in the decisive case, where the abominable consequences of this system led to its abolition, the usurer, L. Papirius, was a patrician; his victim a plebeian, C. Publilius*.

Nay they appear in these cases not like persons who from their superior power come forward in behalf of others as well as of themselves, but as if they alone were concerned; and this too so late as in the year 398, when a reasonable limitation to the rate of interest is eagerly determined upon by the plebs, but gives offense to the patricians[90]. Not that we can suppose the plebeians to have been without the power of proceeding after the same system: only if they wished to abuse it by stretching it to the utmost, they might be restrained, as they were subsequently by the tribunes of the people, so even in

1188 VI. 36. Gregatim quotidie de foro addictos duci, et repleri vinctis nobiles domos: et ubicunque patricius habitet, ibi carcerem privatum esse.

89 IV. 11. Μεμήνυνταί μοι τινὲς ἐκ τῶν πατρικίων ἀποκτεῖναί με συνομνύμενοι,—ὧν τὸν δῆμον εὖ πεποίηκα—ἀχθόμενοι—οἱ δανεισταὶ μὲν, ὅτι τοὺς πένητας ὑμᾶς οὐκ εἴασα τὴν ἐλευθερίαν ἀφαιρεθῆναι ὑπ' αὐτῶν πρὸς τὰ χρέα ἀχθέντας (read ἀπαχθέντας), οἱ δὲ κατανοσφιζόμενοι τὰ δημόσια κ. τ. λ.

* Livy VIII. 28.

90 Haud æque læta patribus—de unciario fœnore—rogatio est perlata: et plebs aliquanto eam cupidius scivit. Livy VII. 16. Manlius too (VI. 14) vociferatus de superbia patrum, ac crudelitate fœneratorum, et miseriis plebis.

those days by the magistrates out of whom these tribunes arose: and the free possessor of hereditary property might screen himself against the persecution of a brother plebeian, by becoming the client of a patrician. Probably however the main part of the loans were merely negociated in the name of patricians on the account of their clients, who were forced to appear in the person of their patrons, and who also reaped the greatest advantage from doing so. The foreigner who practised such usury, had without doubt, beside the ordinary burthens of clientship, to pay, like the freedmen, a particular sum to his lord.

Now that there should not be the slightest trace in these early times of usury carried on by the plebeians, is the more remarkable, because in the later ages of the republic the plebeian knights were the very class among whom usurious money-lending struck deep root; although Cato had pronounced it to be no better than highway robbery: while on the other hand among the members of the few remaining patrician houses it will hardly be possible to find a single one charged with meddling in these disgraceful dealings: a memorable instance, that virtues and vices are not heirlooms in families or classes of society; but that the power of doing what they list misleads such as are not restrained by the dread of incurring shame in the eyes of the better disposed among their fellow-countrymen and the brethren of their order, while on the other hand the necessity of watching over our honour preserves us from depravity: that a dominant faction is ever sure to transgress, and thereby sets its adversaries in a favorable light.

In all countries men in their need have had the miserable right of selling themselves and their families: it obtained among the Northern nations as well as among the Greeks and in Asia. The right of the creditor to seize his debtor, who failed in his payment, as his servant, and by his labour or by the sale of his person to repay himself as far as this went, was scarcely less widely

spread. Akin in their origin and in their results, these rights are yet substantially different; and if a distinction is drawn between them, the ancient Roman laws on debt become perfectly clear and simple.

All debts are incurred either by a direct loan, or by the non-fulfilment of an obligation to some payment; and besides, according to the Roman law, by offenses which create such an obligation, as by petty larceny and the like. Now whether the debt arose from such offenses or otherwise, whoever after the prætor's sentence failed to discharge it within the limited term, was consigned by the law to the creditor as his bondman: but he was *addictus*, and not *nexus*[1191]. A person was *nexus*, when by a regular Quiritary bargain in the presence of witnesses, for money weighed out to him, he had disposed of himself, and consequently of all that belonged to him, having in form sold, in reality pledged himself: into this state none could come except by his own act and deed.

For, as we learn from the well-known testimony of Ælius Gallus[92], every transaction performed according to Quiritary law and with these forms was a *nexum*: and it is an utterly wrong notion, which moreover only occurs among the moderns, to derive the name of the *nexi* from their fetters, and to suppose that they were fettered slaves for debt. At the first every such transaction, as is too plain to need a proof, was an actual

1191 So was the person who had pledged himself and did not redeem himself within the term fixed: he then ceased to be *nexus*. Hence Dionysius, in the classical passage on the subject (VI. 83), only discriminates between addiction incurred by debt and from offenses. Menenius offers to cancel all the *nexa* of the insolvent (τοὺς ὀφείλοντας χρέα καὶ μὴ δυναμένους διαλύσασθαι, ἀφεῖσθαι τῶν ὀφλημάτων); to set at liberty all such as were *addicti* from having failed in their payments (εἴ τινων τὰ σώματα ὑπερημέρων ὄντων ταῖς νομίμοις προθεσμίαις κατέχεται); and in like manner all those who were so on account of a *delictum privatum* punishable with a fine (δίκαις ἁλόντες ἰδίαις· not public offenders).

92 In Festus. Nexum est, ait Gallus Ælius, quodcumque per æs et libram geritur, idque necti dicitur, quo in genere sunt hæc: testamenti factio, nexi datio, nexi liberatio.

sale. But the ingenuity of the Roman jurists discovered in these forms the means of establishing a system of pledging, according to which the seller was to keep possession of what he had sold, and to redeem his pledge on repaying the money he had received as an earnest: while on the other hand the creditor, if this were not done, laid claim to his property before the prætor. The same form was given to a number of other transactions and proceedings, such as marriage by coemption, the fictitious sale of children for their emancipation, making wills, and so on. All these, together with the actual transfer of property, are comprehended in the definition given by Varro from Manilius[1193]: and in this wider sense Sylla allowed all the *nexa* of the new citizens, whom he deprived of their franchise, to stand, as well as their rights of inheritance[94]. But the fictitious sales were so frequent, the transactions carried on under the form of such sales were so important, that it became necessary to designate them by a peculiar name. Hence it was to these that usage restricted the general term, from which the *mancipia*, the actual transfers of property, were excluded: and so Varro after Scævola defined *nexum* to be the form where the ownership remains, but the thing is pledged[95].

As the meaning of this word changed in process of time, so the definition which Varro gives of a *nexus*, expresses only one single case with precise correctness. No doubt when a freeman had contracted to work off the debt, for which he had pledged his person in a Quiritary

1193 De L. L. VI. 5. p. 100. Nexum Manilius scribit omne quod per libram et æs geritur, in quo sint mancipia. So the Florentine MS.

94 Cicero pro Cæcina 35 (102). Ita tulit de civitate, ut non sustulerit horum nexa atque hæreditates.

95 In the same place. Mucius (Scævola is an interpolation) quæ per æs et libram fiant ut obligentur, præter quæ (*vulg.* præter quam quæ. *Flor.* præter quam) mancipio dentur,—id est (*vulg.* idem) quod obligatur per libram, neque suum fit (*vulg.* sit). The person whose *nexum* was released by payment, was *ære et libra liberatus:* Livy VI. 14. Hence *nexa liberata*, Cicero de Re p. II. 34.

sale, by servile labour, he was a *nexus* [1196]: only one must not confine the meaning of the term to this. Whosoever had pledged his person in this way, was *nexus* or *nexu vinctus* [97]; even if he could not possibly have an occasion of discharging his debt by service.

Such as had no property, will always have concluded their loans under this form: persons of property even in those days would be able to effect their bargain by offering their land as security: in most cases however a person who was threatened with a sentence of addiction, probably entered into a *nexum*, that he might still escape from that misfortune. If any one whose creditor had brought his claim before the prætor [98], did not redeem himself, his lot was chains and corporal punishments, and all the hardships of slavery [99].

So long as the *nexus* was not *addictus*, he enjoyed the same rights as every other full citizen: this was expressly

1196 In the same place. Liber qui suas operas in servitutem (so *Flor.*—*vulg.* servitute), pro pecunia quam debebat, dabat dum solveret (*Flor.* debebat dum s. *vulg.* debeat dum s.), nexus vocatur.

97 Both are without doubt equivalent; and as the former is opposed to *solutus* in the Twelve Tables, the latter is so in Livy II. 23: *Nexu vincti solutique se undique in publicum proripiunt:* where Doujat's explanation, which has unaccountably been neglected, is no less certain than obvious. See Drakenborch's note. Sigonius had a glimmering of the truth: but his change—*nexi*, *vincti solutique*—corrupts the text.

98 This addiction is what is referred to in the passage of Livy quoted in note 1188, and in the words ὑπερημέρων ἀπαγωγή in Dionysius VI. 23.

99 On the servitude for debts not incurred by borrowing, I shall speak in the second volume, after the laws of the Twelve Tables, in which it is so celebrated; although these laws can by no means be considered as its primary source. I shall also recur to it when I come to the Poetelian law. But as opinions delivered by word of mouth may easily get abroad in a mistaken shape, I will here lay down beforehand the following propositions. The Poetelian law merely did away with the *nexum* of the person, in the place of which the *fiducia* of property became universal: but it made no change in the addiction for debts or for trespasses, and the latter certainly lasted even beyond the end of the second Punic war. This however was likewise abolished; and in its stead came the *possessio bonorum debitoris:* the very expression *sectio bonorum* reminds us of the *sectio corporis debitoris.*

secured to him by the laws[1200]. But on the other hand he who was adjudged as a slave, lost his civic rights[1]: thus he underwent that *deminutio capitis*[2], of which it is true that our civil lawbooks make no mention, because we have nothing of Manilius or Scævola, and those who wrote under the emperors, lived long after it had been forgotten; as to which however there is an evidence not to be mistaken in the circumstance that an action which endangered a person's civic character—a *judicium turpe*—was a *causa capitis*, though it might be far from affecting his life. In the same way the decision of the question, whether the possession of a person's goods had been adjudged (*addicta*) by the sentence of the prætor, was a *causa capitis*[3]: because this addiction had been substituted for that of the person.

When a debtor was delivered up to his creditor, such of his children and grandchildren as were subject to his authority went into slavery with him: as was the case when public offenders were sold along with their family[4]. We discern an acquaintance with this state of the law in the annalists who made the old soldier tell the people, that the usurer had carried him and his two sons into

[1200] Nexo solutoque idem jus esto.

[1] The consul Servilius promises the plebeians that during the campaign πᾶσα μὲν οὐσία, πᾶν δὲ σῶμα, πᾶσα δ' ἐπιτιμία πολίτου Ῥωμαίου shall continue ἀῤῥυσίαστος ἀπό τε δανείου καὶ ἄλλου παντὸς συμβολαίου. Dionysius VI. 41. And Appius says (VI. 59) that he had lost money by several of his debtors, but had never made any πρόσθετον οὐδ' ἄτιμον.

[2] Deminutus capite appellatur—qui liber alteri mancipio datus est. Festus.

[3] Hence the affair of P. Quinctius is so (Cicero pro Quinct. 9. (32)): and the question is, whether his *bona* in reality *possessa fuerint nec ne*. *Caput* is the title in the censorian register, comprising everything set down under it with regard to a person's condition: every change made therein on account of his becoming *deterioris juris*, was a *deminutio capitis*. They who have once entered into the Roman way of thinking, will not need many words to understand, that, for instance, the degrading a plebeian to be an ærarian, or his removal into a *tribus minus honesta* in consequence of his being found guilty of *ambitus* or the like, were each a *capitis deminutio*.

[4] Ipse familiaque ad ædem Cereris veneat.

slavery *; and who represented the edict of the consul Servilius as ordaining that, if a debtor-slave[1205] were willing to serve, his creditor should not keep his children or grandchildren in confinement[6]. In this circumstance we find the main reason for the emancipation of children, which from the nature of the Roman family law could otherwise scarcely have occurred.

If we once gain a clear insight into this law of debt, we have solved the perplexity which led Dionysius to take such strange views, and which thereby has introduced such momentous errours into Roman history.

The Annals related that the persons who seceded on account of their debts, were in the legions: but how was it consistent with the Servian constitution, for men to serve therein, who had forfeited their freedom to their creditors, and who therefore were poorer than a proletarian if he was clear from debts? Dionysius here again takes the perverse course of devising a fiction to combine what is contradictory: he assumes that they served as slingers[7]: so, they who had less than nothing, would have stood in the fifth class. And what would the Servian constitution have been worth, if the hoplites and knights had been unable to maintain their ground against the unarmed populace!

The plebeians however who left the camp, were *nexi*, whose freedom and property were only pledged[8]: and with these many others, who were not suffering under the

* Dionysius VI. 26.

1205 An *addictus*, not a *nexus*: the former class was again called out in the second Punic war.

6 Livy II. 24. Ne quis militis—liberos nepotesve moraretur. Dionysius VI. 29. Μήτε γένος αὐτῶν ἀπάγειν. The foreigner has misapprehended his authorities and the nature of the law in VI. 37. For there can never have been any need of releasing the relations of the *nexi* in an ascending line.

7 v. 67. Προσθήκης μοῖραν ἐπεῖχον τοῖς ἐν φάλαγγι τεταγμένοις—μηδὲν φέροντες ὅπλον, ὅτι μὴ σφενδόνας.

8 If there is any ground for the story of the calling out the *addicti*, they can only have entered into the irregular bodies, the civic-legions. Probably however it is wholly apocryphal.

same pressure, may have united from sympathy, and with a view to avail themselves of circumstances for the furtherance of political freedom. The army might be levied according to the classes; and yet the majority of the hoplites might consist of persons who, when their debts became payable, would not even be secure of their liberty. There are but too many countries where a like state of things is to be found; where most of the landholders, though nominally they continue to be so, were they to discharge their debts, would have nothing over; and till that time comes are farming their estates for their creditors, as the Roman debtor farmed them for the usurer[1209]. Now if, where a nation is thus circumstanced, the distribution of political rights is proportioned to the landtax which is paid, it would be so far from agreeing with the relative state of property, that the main part of the electing and eligible citizens might be in a destitute, or even a desperate condition.

Here is the proof I promised above, that the tribute was not paid out of the net income: for it corresponded to the census; and if debts had been deducted in assessing this, the *nexi* could not have stood in the classes, or served in the legions. To have explained the *nexum* in the passage where this was before asserted[10], would have been to graft one episode upon another: and so, as a further confirmation, I here add, that the liquidation of debts in the year 403 brought about a necessity for a census; because, in the adjustment of the state of property with the demands of creditors upon it, a number of things had changed their owners[11]. Under an income-tax the only difference would have been, that a person, who till then had paid for ten thousand ases of outstanding money,

[1209] Dionysius VI. 79. Τοῖς δανεισταῖς—ἠναγκαζόμεθα τοὺς ἑαυτῶν κλήρους γεωργεῖν.

[10] Above p. 407.

[11] Livy VII. 22. Quia solutio æris alieni multarum rerum mutaverat dominos.

would now have paid for the same sum vested in land: while the previous possessor even before would have paid no tax for the estate he has parted with. Owing to this the patricians, who appear as the capitalists, are no way affected by the tribute[1212], which is represented as a tax peculiar to the plebs[13].

Money transactions among the Romans were in the form of loans to be repaid after a stated term: and this in those times, as the arguments to be brought forward in another part of this history will prove, must certainly have been the year of ten months. The rate of interest was unrestricted, and therefore exorbitant: the first legal limitation of it to ten per cent was a great relief to the plebs: no wonder then that the cases in which the accumulation of interest raised the principal to many times its original amount, are spoken of as ordinary[14]. It was the custom to convert the principal when due, together with the interest, into a new debt (*versura*): and the discharge of this must soon have become utterly impossible. To understand the condition of the plebeian debtors, let the reader, if he is a man of business, imagine that the whole of the private debts in a given country were turned into bills at a year, bearing interest at twenty per cent or more; and that the non-payment of them were followed on summary process by imprisonment, and by the transfer of the debtor's whole property, even though it exceeded what he owed, to his creditor. As to

1212 The patricians have been making a present out of their neighbour's purses, say the tribunes, when it is determined to give the troops pay; inasmuch as it can only be raised *tributo indicto*. Livy IV. 60. Such touches come from the annalists.

13 The tribunes deplore the fate of the plebs, *quæ nunc etiam vectigalis facta sit, ut, cum inculta omnia invenerint, tributum ex affecta re familiari pendant.* Livy V. 10. They bring forward the agrarian law and forbid the collecting the tribute. V. 12. On another occasion however *plebes coacta huic oneri succumbere*, because the government did not want any levies: *quem delectum impedirent, non habebant tribuni.* VI. 32.

14 Livy VI. 14. Multiplici jam sorte exsoluta, mergentibus semper sortem usuris.

those further circumstances, which are incompetible with our manners, the personal slavery of the debtor and of his children, we have enough without them to form an estimate of the fearful condition of the unfortunate plebeians[1215].

Their wretchedness was consummated by a system of base injustice. The whole infantry of the line was formed by the plebeians; and yet not only was all share in the conquered lands refused to them; even the plunder, which the Roman soldier, unless it was given up to him, was bound to deliver in upon his oath, was often kept back from them: not that it was employed for national purposes; it went into the common chest of the patricians[16].

This picture of distress—not unlike the one placed before our eyes by the misery of hundreds of thousands, who are now wasting and perishing in seaport-towns where every fortune is ruined and all commerce is lost, and in manufacturing districts where work is at a stand—deluded Dionysius; so that when the whole commonalty was driven into insurrection, he looked upon them as nothing else than a similar low starving multitude, to which idlers, libertines, vagabonds, such as harboured ill-will against their neighbours, and such as were malecontents from temper or interest, attached themselves[17]. The positiveness of this statement has had an imposing effect; and it has been entirely overlooked that Livy, though no way partial to the plebs, and though he certainly was far from having a clear insight into the nature of the several orders in early times, still does not contain a word which,

1215 The practice of mortgaging landed property prevailed at Athens even before the time of Solon, and subsisted along with that of pledging the person, which was afterward abolished. At Rome the state of things would not admit of it: it was equally inconsistent with the nature of the plebeian property, and with the usufructuary possession of the patricians.

16 For *publicum* is *poplicum*, what belongs to the *populus*. See above note 1038. Hence the commonalty is incensed *malignitate patrum qui militem præda fraudavere.—Quicquid captum est vendidit consul, ac redegit in publicum.* Livy II. 42. There are many other like passages.

17 Dionysius VI. 46.

if rightly understood, can give even a shadow of support to such an opinion.

For a Greek it would have been difficult in this case to avoid being deceived: in the first place, because his language, poorer and less exact in its political terms than the Roman, had only the one word *demus* to render both *populus* and *plebs*[1218]. Even in the time of Aristotle this word has assumed a variety of senses, and denotes in democracies the nation and assembly of the people as opposed to the magistrates, in oligarchies the commonalty; while popular usage employs it for the needy and common folk. In the days of Augustus, many as were the Greek cities and many as were those that pretended to be so, there was perhaps not a single one in which an oligarchy had kept its ground; and democracies were rare; the Romans had everywhere introduced timocracies: and under these, though the general assembly of the citizens also bore the name of demus, yet at the same time it was applied, and that too as more appropriate, to those inhabitants who, from not possessing the requisites for civic honours, were expressly excluded by the law, or at all events in fact, from the senate and from offices as common people. The civic plebs too, such as Dionysius found it at Rome in the eighth century, was undeniably a demus of this sort; formed by the body of those who partook of the largesses destined for the capital[19]: this too consisted mainly of freedmen and half citizens. The respectable countrypeople and municipals[20] were completely separated from it: still higher stood the knights, many thousands in number: at top of all the nobless who had coalesced with such patricians as were still surviving.

That all these nevertheless were plebeians in a

[1218] Πόλις and πολῖται may in earlier times have been equivalent to *populus*, nay the former may be the same word: this definite meaning however it did not retain.

[19] As the *plebs urbana* is opposed to the thirtyfive tribes.

[20] The *Romani rustici*.

constitutional point of view; that the whole Roman nation was so, with the exception of the fifty patrician houses which were still preserved[1221], and of the patrician families newly incorporated by Julius Cæsar and Augustus; this was certainly known to Dionysius. In his later books too he cannot possibly have ranked the leading plebeians, after the consulate was placed within their reach, among the common people: how could he forget however his having related but a couple of pages before the description just referred to, that Valerius had enrolled four hundred plebeians among the knights on account of their wealth[22]? One might indeed imagine that the idea of that equestrian middle class, which was occupying the interval between the senate and the people, was floating before his mind: but such an idea in this place must have vanished again the moment he tried to fix it.

A foreigner who had heard of the misery of the Irish peasant, that he farms the land, which was the freehold of his ancestors, at a rack-rent, the unprotected and forsaken client of greedy or negligent patrons; and who from this should look upon all the Irish Catholics as paupers and beggars, could not but be exceedingly surprised if he were to be told, that they lay claim to a share in the highest honours of the state, and to be eligible into the lower house, when such eligibility both legally and in fact implies the possession of considerable landed property. Unless he were informed that the wretched peasantry are but a part of the whole class, which also comprises members of the nobility and of the middle ranks, he would be just as little able, as Dionysius was, to extricate himself from similar confusion. But when we take a correct view of them, this very body of the Irish Catholics may furnish our age with a perfect parallel to the state of the plebs:

1221 See p. 282 note 777. I remind the reader of Capito's definition quoted above in note 766. Gaius I. 3. Plebis appellatione sine patriciis ceteri cives significantur.

22 Dionysius VI. 44.

they too are a commonalty, just like the plebs; the despair of the poor amongst them is the strongest weapon of their leaders; and the indignities the higher ranks are exposed to, would be a matter of indifference to the lower, unless they were forced into one body by the pressure of the laws. In one point however there is an enormous difference: the millions in Ireland who are ready to stake their lives for the pretensions of their superiors, would not, though the latter should gain their ends, see a single one among their vague hopes of better times accomplished; whereas the lower plebeians were seeking for determinate relief to their own actual wants. If England three centuries ago had granted the full enjoyment of her civic rights in individual cases, this would have disarmed the Catholics, and separated the higher orders from the populace and the priests who agitate it: at Rome similar measures would not have been availing to hinder distress from resorting to violence, which the poor man promised himself would release him from his debts and give him a field of his own.

When an errour has been firmly rooted for centuries, it can hardly be superfluous to bring forward a variety of definite instances in illustration of the truth. The Roman plebs, formed as it was by the incorporation of whole bodies of citizens and countrypeople, might be compared to the Vaudese dependent on the city of Bern, among whom the old Burgundian nobless stood on the same footing with the townsmen and the peasantry, as contrasted with the sovran canton. Or if the reader be familiar with the history of Florence, let him imagine that the republic had united the inhabitants of the whole *distretto* into a commonalty: in this the counts Guidi and the castellans[1223] of Mugello, as opposed to the ruling estate, did not by the principles of the laws stand above the houses of Pistoja or Prato, nay, above the common citizen or yeoman from the Val d' Arno: at the same time the

[1223] Cattanei.

former might notwithstanding be equal, perhaps more than equal, to the Uberti and the other proudest houses in the ruling city, even according to their own notions of nobility. As in a later age the Mamilii, who traced their pedigree from Ulysses and Circe, were admitted among the plebeian citizens; so there can be no question that the families of plebeian knights in the earliest times were the nobility of the *distretto;* that the first leaders of the plebs, the Licinii and Icilii, were no way inferior even in birth to the Quinctii and Postumii.

But it was not the splendour proceeding from a few of these families, that gave such respectability to the Roman plebs.. it was their essential character as a body of landholders, such as that character is marked to be by their Quiritary property. The ancients with one mind esteemed agriculture to be the proper business of the freeman, as well as the school of the soldier. Cato says, the countryman has the fewest evil thoughts. In him the old stock of the nation is preserved: it changes in cities, where foreign merchants and tradesmen are wont to settle, even as those who are natives remove whithersoever they are lured by gain. In every country where slavery prevails, the freedman seeks his maintenance by occupations of this kind, in which he not unfrequently grows wealthy: thus among the ancients, as in after times, such trades were mostly in the hands of this class, and were therefore thought disreputable to a citizen: hence the opinion, that the admitting the artisans to full civic rights is hazardous[1224], and would transform the character of a nation. The ancients had no notion of a government carried on with honour by guilds, such as we see it in the history of the towns during the middle ages: and yet even in these it is undeniable that the military spirit sank, as the guilds gained the upper hand of the houses, and that at last it

1224 As a general principle they were excluded among the Greeks in early times. Corinth forms an exception, which we know of; there may have been others unknown to us; but at all events they are only exceptions.

became wholly extinct; and with it fell the external dignity and freedom of the towns. Even at this day the Italian peasant, if a proprietor, is still extremely honest and worthy; and infinitely preferable to the townsman: agriculture is the nation's true calling.

The Roman plebs in early ages consisted exclusively of landholders and field-labourers; and even if many of its members were reduced to poverty and thus stript of their estates, at least it contained no one who earned his livelihood by any other employment; by commerce any more than by manufacture[1225]. The censorian power took care, and that too we may be assured even before it was entrusted to a particular magistracy, that none but the industrious husbandman should keep his place in the tribe of his fathers: the bad farmer was erazed from it; much more so then was he who entirely deserted his vocation[26]. Even the plebeians of the four civic tribes must be deemed to have been landholders at the first: on the one hand within the vast compass of the walls there was at least room left for gardens and vineyards; on the other hand the country-citizens had houses and barns in the city.

It is true, the same Dionysius, who thus distinctly asserts that the plebeians were prohibited from carrying on any employment unconnected with husbandry, says in another place that Romulus assigned agriculture, pasturage, and the various money-making trades to them as their calling[27]. This however occurs in his description

1225 Οὐδενὶ ἐξῆν Ῥωμαίων οὔτε κάπηλον οὔτε χειροτέχνην βίον ἔχειν. Dionysius IX. 25. The punishment can have consisted only in the censorian brand, the striking out the person's name from his tribe, as was the case with those who practised stage-playing: not that any peculiar disgrace was attached to doing so, but because it was a civic employment.

26 Gellius IV. 12. Si quis agrum suum—indiligenter curabat—censores ærarium faciebant.

27 Γεωργεῖν, καὶ κτηνοτροφεῖν, καὶ τὰς χρηματοποιοὺς ἐργάζεσθαι τέχνας. II. 9.

of the manner in which the Roman people, as it was pretended, was originally arranged by Romulus as their founder; a description transferred from that of a Roman antiquarian who understood his subject and had represented the circumstances of those times when as yet the state consisted of none but patricians and clients: only the Greek writer was led astray by the delusion that the clients and the plebeians were the same body[1228].

The source of this errour was evidently, that even in the eighth century a clientship was still subsisting, not only connecting the freedmen among the above-mentioned city plebs with their patrons, but also many persons of good birth, who wanted wealth or favorable circumstances to aid them in their efforts to advance themselves, with a patron of their own choosing; and generally the citizens of the municipal towns with the house to the protection of which their native places had of yore entrusted themselves. Now this relation was no more like the ancient respectable clientship, than the city plebs of those times was like the ancient respectable commonalty: yet the same confusion, along with the fact that after the laws of the twelve tables such a relation might exist in particular cases, has in one instance misled Livy into the notion that the individual plebeians were clients of the individual patricians[29]: although elsewhere he abounds in passages which place the difference of the two classes, nay their opposition, in the clearest light. And Dionysius himself, though fully prepossessed with that fundamental errour, constantly makes the same distinction between them in his running narrative, because the genuine expressions of the Annals are there lying before him.

[1228] II. 8. Ἐκάλει τοὺς ἐν τῇ καταδεεστέρᾳ τύχῃ Πληβείους, ὡς δ' ἂν Ἕλληνες εἴποιεν δημοτικούς. II. 9. Παρακαταθήκας ἔδωκε τοῖς πατρικίοις τοὺς δημοτικοὺς, ἐπιτρέψας ἑκάστῳ ὃν αὐτὸς ἐβούλετο νέμειν προστάτην.

[29] VI. 18. Quot clientes circa singulos fuistis patronos.

Similar accounts are followed by Livy, when he relates that on occasion of a violent dispute between the two orders the commonalty withdrew entirely from the consular elections, and that they were held by the patricians and their clients alone[1230]: which makes it clear in what way they were managed more than a century afterward, when the plebs in despair again retired from the comitia[31]. He further relates, that before the trial of Coriolanus the patricians, seeing that the whole plebs was infuriated, sent their clients round to dissuade the individual plebeians, or to intimidate them[32]: that after the banishment of Cæso Quinctius they appeared in the forum with a great band of clients, at open war with the plebs[33]: that, when Ap. Herdonius had seized possession of the Capitol, the tribunes wanted to hold a council of the plebs, telling them that the occupiers of the fort were not strangers, but allies and clients of the patricians, let in to terrify the commonalty into taking the oath of military allegiance[34]: and he explains the purport of the Publilian law to be, that, as soon as the tribunes were appointed by the tribes, the patricians utterly lost the power of carrying the election of their partisans by the votes of the clients[35].

1230 II. 64. Irata plebs interesse consularibus comitiis noluit. Per patres clientesque patrum consules creati. That is, by the curies, and by the centuries without the plebs.

31 Because the Licinian law was about to be violated—plebis eo dolor erupit ut tribunos—vociferantes relinquendum campum—mœsta plebs sequeretur. Consules, relicti a parte populi, per infrequentiam comitia nihilo segnius perficiunt. Livy VII. 18.

32 II. 35. Infensa erat coorta plebs—Tentata res est, si, dispositis clientibus, absterrendo singulos—disjicere rem possent. Universi deinde processere—precibus plebem exposcentes.

33 III. 14. Instructi paratique (juniores patrum) cum ingenti clientium exercitu sic tribunos, ubi primum submoventes causam præbuere, adorti sunt etc.

34 III. 16. Tantus tribunos furor tenuit, ut—contenderent patriciorum hospites clientesque (Capitolium insedisse):—concilium inde legi perferendæ habere.

35 II. 56. Rogationem tulit—ut plebeii magistratus tributis comitiis fierent.

To the same effect Dionysius tells us, that, when the plebs had deserted the city, the patricians and their clients took up arms[1236]: he says it was proposed to the senate during the secession of the plebs, and again when the plebeians refused to serve, and again was decreed on a like occasion, that the patricians should march out in a body with their clients, and with such plebeians as would join them[37]: he extolls the plebeians, because during the famine and the dissensions instead of plundering the granaries and the market they ate grass and roots; and the patricians, because they did not fall with their own forces and the great body of their clients on the strengthless starving multitude, and slay them or drive them out of the city[38]: and he relates, just as Livy does in one of the passages quoted above, that the patricians appeared in the forum with their clients, in order to prevent the council of the plebs from assembling, or to disperse it by force[39].

—res—quæ patriciis omnem potestatem per clientium suffragia creandi quos vellent tribunos auferret.

1236 vi. 47. Ἁρπάσαντες τὰ ὅπλα, σὺν τοῖς οἰκείοις ἕκαστοι πελάταις—παρεβοήθουν.

37 vi. 63. Αὐτοί τε χωρῶμεν—καὶ τοὺς πελάτας ἅπαντας ἐπαγώμεθα, καὶ τοῦ δημοτικοῦ τὸ περιόν. vii. 19. Ἐκ τῶν πατρικίων ἐθελονταί τινες κατεγράφησαν ἅμα τοῖς πελάταις· καὶ αὐτοῖς—ὀλίγον τι ἀπὸ τοῦ δήμου μέρος συνεστράτευεν. x. 15. Αὐτοὺς ἔφη τοὺς πατρικίους ἑαυτῶν σώμασι καὶ τῶν συνόντων αὐτοῖς πελατῶν ὁπλισαμένους, καὶ εἴτι ἄλλο πλῆθος ἐθελούσιον αὐτοῖς συνάρηται. x. 27. Ἐὰν μὴ πείθηται ὁ δῆμος τοὺς πατρικίους ἅμα τοῖς πελάταις καθοπλισαμένους, τῶν τ' ἄλλων πολιτῶν παραλαβόντας οἷς ἦν ἑκούσιον συνάρασθαι τοῦ—ἀγῶνος.—x. 43. Ἡ βουλὴ γνώμην ἀπεδείξατο, τοὺς πατρικίους—ἐξιέναι σὺν τοῖς ἑαυτῶν πελάταις, τῶν δ' ἄλλων πολιτῶν τοῖς βουλομένοις μετέχειν τῆς στρατείας—ὅσια εἶναι τὰ πρὸς τοὺς θεούς.

38 vii. 18. Τῇ τ' οἰκείᾳ δυνάμει καὶ τῇ παρὰ τῶν πελατῶν πολλῇ οὔσῃ. In this story the estates appear mostly as the rich and poor, πλούσιοι and πένητες· owing to the historian's perverted notion of the demus: still he often expressly mentions the patricians and the δημοτικοί, with the tribunes at their head.

39 ix. 41. Καθ' ἑταιρείας—ἅμα τοῖς ἑαυτῶν πελάταις, οὐκ ὀλίγοις

These express and numerous testimonies have been overlooked on account of a statement which is palpably erroneous. Yet surely many must have been struck by them as perplexing; and without doubt so were the historians themselves: but in the time when they wrote the only real division of the citizens was into the rich and the poor; where the needy, however noble his lineage might be, had to court a protector; and he that had his million, even though he were a freedman, was courted as a protector. As to relations of hereditary dependence, they could hardly find any traces of such: their readers, since the revival of philology, have known of nothing of the kind; and thus it was impossible for them to form any other conception of the plebs, than that, as opposed to the nobility, it was a body of town-citizens, among whom the nobles had adherents and dependents under the name of clients, a relation however merely springing out of personal wants and terminating along with them.

Nevertheless, though there was no contemporary example to throw light on the obscurity of the ancient term, the descriptions of the nature of the clientship might still have been sufficient to shew that the plebs, such as it appears in history, must essentially and necessarily have been far removed from any relation of the kind. Would not the maltreatment and oppression endured by the commonalty have been incredible under the clientship? when the patron was directed to protect his clients even against his own nearest kin, and to promote their welfare. Could the clients have ever been in want of any other protection than that of their patrons?

οὖσι, πολλὰ μέρη τῆς ἀγορᾶς κατεῖχον. x. 40. A decree of the plebs is to be hindered by force, ἐὰν μὴ πείθωσι τὸν δῆμον. The patricians are to come betimes into the forum, ἅμα τοῖς ἑταίροις τε καὶ πελάταις, and to scatter themselves about so as to separate the δημοτικόν. Now when ὁ δῆμος ἀπῄτει τοὺς ψήφους—διΐστασθαι βουλομένοις κατὰ φυλὰς τοῖς δημόταις ἐμποδὼν ἐγίνοντο. 41. To the same effect is the proposition of M. Valerius in VII. 54.

could they have needed that of the tribunes against any one whatever? And how could decrees have been passed, as they were afterward, adverse to the interests of the patricians, which were the concern of every individual patron? Their clients, if they had thus injured them, would have been under the ban of the law.

The surprising thing is, not that the clients were a completely different body from the plebeians; not that, as follows from what Livy says about the consequences of the Publilian law, they were not included in the tribes; but rather his express testimony that they had votes in the comitia of the centuries. But for this, we should recognize them to be sojourners, like those in Greece, destitute of all political rights, and who could not maintain even the commonest civil rights, except in the person of their patron and sponsor: but there is no force in analogy, when opposed to such a direct assertion. However we certainly are not compelled by this to assume that no part of the clients were metics according to the Greek notion; although I apprehend that no mention of any such is to be found. It is surely hard to believe that Rome threw even her lowest franchise open so wide, that every foreigner on attaching himself to a patron might take possession of it: and just as little can we suppose that foreigners, before a prætor for them was established[1240], could come into court in their own person[41]. It is probable that there were gradations here, such as I conjecture there must have been with regard to the freedmen. It looks so very unlike the early ages, that there should

[1240] This measure was a political change of the highest importance. What led to it was not the too great pressure of the prætor's business,—to which for example the institution of the vice-chancellor's office in England has been owing,—but the alarm excited by the clients of the grandees, with whose patronage the members of the Italian confederacy might now dispense. The patron who came forward was the mask without which the client was not allowed to appear.

[41] Hence, long after the clientship in its genuine form had ceased to exist, the person who came before the court in any particular case was called *patronus*.

have been two forms of which the purpose was exactly the same; and the distinction between them might so easily be lost sight of; that I cannot persuade myself that a slave who was set free by the *vindicta*, gained the same degree of freedom as one by the census[1242]. By being registered in the census the Latins and Italians might acquire the franchise of citizens: but a person who was to have the same power as they had of exercising this great privilege, must surely have already been free: this, and no more, did the slave become, I conceive, by the *vindicta*: and even by the census, before the censorship of Appius the Blind, he obtained merely the rights of an ærarian[43]. In both stages, as enjoying the lowest degree of freedom and as a Roman citizen, he continued to be a client of the master who had released him: in the former he would be only in the condition of a metic. Freedmen and their posterity probably made up the largest part of the clients; and among these the race of the original ones, such as they were in the time of Romulus, would in great part be merged.

The artisans were contained in both these classes; and if a plebeian gave up husbandry, he sank to the franchise to which these were confined. They too were not without the honour of having corporations sanctioned by the law; and their guilds were in such high estimation that Numa was named as their founder: there were nine of them; pipers, goldsmiths, carpenters, dyers, curriers, tanners, coppersmiths, potters, and a ninth guild common to the other trades[44]. This part of the state never received that full developement, which, since the guilds were connected

1242 Both these rights are traced back to the oldest times, only it is by personifications: the former to the release of the slave who disclosed the conspiracy; the latter to Servius Tullius. This doubtless was the sole reason why his memory was especially venerated by the slaves: though that circumstance was made use of to confirm the fable of his birth, and was referred to his name.

43 Plutarch Publicol. c. 7. p. 100. e.

44 Plutarch Numa. c. 17. p. 71. d. Again three, and three times three.—How remarkable is the contrast with the ancient and great guilds at Florence!

with the centuries by means of the carpenters, the trumpeters, and the hornblowers, in the same way as the patricians were by the six suffragia, was no doubt designed for it.

Those among them who were independent paleburghers, —isopolites who had not bound themselves to any patron, (if such a class existed), and the descendants of clients whose ties had been loosened on the house of their patrons becoming extinct—these were unquestionably as much strangers to the dissensions between the ancient burghers and the commonalty, as the members of the Florentine guilds were to the feuds among the houses of Guelphs and Ghibellines. As to the clients, it is likely that they were still subject collectively to the orders of the patricians.

THE SECESSION OF THE COMMONALTY, AND THE TRIBUNATE OF THE PEOPLE.

In this division of the nation, the preponderance of numbers may not have been so entirely on the side of the plebeians, as it will probably appear to every one, even to him who has thoroughly rid himself of the delusive notion that the patricians of those ages are to be regarded as a nobless; a class, which in fact was to be found within both the estates. Had the superiority of the plebeians been such as to leave no doubt that the issue of a contest with arms, since matters had unhappily gone so far, would be in their favour, they would never have contented themselves with a compact which merely gave them back a part of the rights they had been robbed of. And yet the commonalty, if it stood together as one man, was evidently so strong, that their opponents betrayed the uttermost infatuation in not endeavouring to separate the various classes which composed it; nay, in wronging and outraging them all at once; the noble and rich, by withholding public offices from them; such of the gentry as without personal ambition were attached as honest men to the well-being of their class, by depriving it of its common rights and privileges; the personal honour of both, by the indignities to which such as stood nearest to the ruling party were the most frequently exposed, and by which men of good birth were the most

keenly wounded; every one who wanted to borrow money, and all the indigent, by the abominable system of pledging the person and of slavery for debt; in fine high and low, by excluding them from the public domains, where many, who had been stript of their property by the loss of the territory beyond the Tiber, might have found a home. Granting, that the Valerian laws had not been repealed; that the twenty tribunes, such as they then were, had the right, when a person was condemned to servile corporal punishments, of snatching him from the gaoler, and bringing him before the court of the commonalty, which, as it surely could not assemble pell-mell, they themselves were to summon: woe to him who durst do so against Appius Claudius!

It was when he and P. Servilius were consuls, in the year 259, that a spark set fire to the inflammable matter which had thus been accumulated. An old man, who had escaped from his creditor's prison, in squalid rags, pale and famishing, with haggard beard and hair, cried in agony to the Quirites for help. A crowd gathered round him: he shewed them the bloody marks of his inhuman treatment: he told them that, after he had fought in eight and twenty battles[1245], his house and farmyard had been plundered and burnt by the enemy; the famine during the Etruscan war had compelled him to sell his all[46]; he had been forced to borrow; his debt through usury had run up to many times its original amount: whereupon his creditor had obtained judgement against him and his two sons, and had put them in chains. Disfigured as his features were, many recognized a brave captain; compassion, indignation, spread an uproar through the whole city: all who were pledged, and all who had

1245 Dionysius VI. 26. This has a very historical look; and yet it is nothing more than another way of dressing up what Dionysius says in the preceding clause, that he had served all his campaigns. See above p. 387.

46 I suspect that in the original representation he belonged to one of the ten lost tribes. The whole story reminds us and is a mere repetition of the one about the old soldier whom M. Manlius releases. Livy VI. 14.

redeemed their pledge, flocked together, and all were clamorous for relief of the general distress.

The senate was at a loss how to act. The people spurned at the summons to enlist in the legions, which, with a view of diverting the storm, were to be levied against the Volscians: these and the Sabines are mentioned as the nations Rome as then was at war with; with the Etruscans and Latins she was at peace. Compulsion was impossible: but when P. Servilius issued a proclamation, that none who was in slavery for debt, should be hindered if he were willing to serve; and that, so long as a soldier was under arms, his children should remain at liberty untouched and in possession of their father's property[1247]; then all who were pledged took the military oath. After a few days the consul, at the head of a victorious army, rich in glory and booty, the conqueror of the Volscians or Auruncians and of the Sabines, marched back to Rome. But the hopes of the commonalty that their oppression might be alleviated, were bitterly deceived.

A great deal was said in the Annals of the way in which Appius Claudius from the beginning of the disturbances had opposed every measure of humane and wise forbearance, and throughout their whole continuance had persisted in the same obstinacy: probably this came from the family commentaries of the Claudii, who, priding themselves on their hatred of the people as the Valerii did on their hereditary love of the people, portrayed their ancestor with the characteristic features of their house; not that any historical accounts of him had been preserved. That house during the course of centuries produced several very considerable, few great men; hardly, down to the time when it became extinct, a single noble mind: in all ages it distinguished itself alike by a spirit of haughty

1247 This again seems to be nothing more or less than an account in a historical form of the origin of the *justitium*, which most probably produced this very effect.

defiance, by disdain for the laws, and by iron hardness of heart: they were tyrants by nature, and now and then dangerous demagogues: Tiberius was not more odious than the earlier Claudii. Their character is visible in the story that such as had been slaves for debt were sent back to their prisons by Appius Claudius on their return from the field, and that such as were pledged were consigned by him without mercy to their creditors. But these sentences could not be executed; for the plebeians were in open insurrection; they protected all who were condemned: and the usurers who had obtained those detested judgements, the young patricians who in their zeal were lending a helping hand to the officers of the court, could with difficulty save themselves from their fury. Thus the year passed away[1248].

The next year, when the military season arrived, the consuls, A. Virginius and T. Vetusius, found it impossible to raise legions. The commonalty, assembling by night and secretly in the quarters inhabited exclusively by the plebeians, on the Aventine and the Esquiline, was immovable in its determination not to supply any soldiers; and the entreaties for lenity they had begun with, now gave way to a demand that all debts should be cancelled. The ferment was so violent, that the more mildly disposed among the patricians recommended the purchase of peace, even at this price: others trusted it would subside on the restoration of their liberty and property to those who in the hope of regaining them had marched the year before against the enemy. Appius insisted on severity: the beggars, he said, were still too well

[1248] During this consulship it is said that the temple of Mercury was dedicated, an event connected with the institution of a guild of merchants; and that on this occasion an inspector of the corntrade was first appointed by the people: this magistracy was probably renewed every year, until the business was transferred to the ædiles, who at first had nothing to do with it. If the election rested with the populus, as Livy tells us (II. 27), it is hard to understand his naming a centurion M. Lætorius, that is, a plebeian, as the first person who held this office.

off; their insolence ought to be quelled: a dictator would do it. His friends would have placed him in this office: but the milder[1249] party prevailed in the election: and the measure, by which its proposer intended to dare everything and to risk everything, became the means of a reconciliation by the appointment of Marcus Valerius[50]. By a proclamation like the one Servilius had issued, he led the plebeians to enlist: for they trusted in the power of the dictatorship, and in the word of a Valerius. Ten legions were raised[51], and three armies sent, against the Sabines, the Æquians, and the Volscians: everywhere the Romans were favoured by victory, more rapid and more brilliant than the senate wished it[52]. The dictator was rewarded with distinguished honours, but not with the release of the debtors from slavery, which, true to his word, he demanded. On this he laid down his office, the power of which would have been a dangerous temptation to put down the scandalous abuse of a formal right by a strong hand: the plebeians themselves owned that he could not do more to keep his faith, and full of gratitude conducted him from the Forum to his house.

1249 The *Harten* and the *Linden* were the names of the parties in Appenzell during the last century.

50 Marcus he is called by Cicero, Zonaras, Livy; that is, by the manuscripts and by Orosius: Manius by Dionysius and the Triumphal Fasti. Yet even in Dionysius, who places the beginning of the dissensions some years further back, the Valerius who at that time is well affected toward the poor, and assuredly is meant to be the same as the dictator, is named Marcus. v. 64. I have already explained the corruption, above p. 474 n. 1123, 1124. Sigonius altered the text in Livy, supporting himself by the authority of those who in earlier times had allowed themselves to garble the truth for the sake of getting rid of contradictions: in this way Livy has been disfigured. Whoever does not distrust the completeness of the Fasti, must prefer Marcus, were it only because he had been consul: which no Manius had.

51 Here there is the most glaring exaggeration: at the Allia the Romans had only four regular legions.

52 In speaking of this war the two historians inverted the usual proportion between their narratives: the copious one in Livy leads us to infer that in the old representations the exploits of the plebs, and consequently the unworthy conduct of their rulers, were set in a prominent light.

The dictator's army, of four legions, had been disbanded after his triumph: but those of the consuls were still in the field[1253]: under the pretext that a renewal of hostilities was impending they were commanded to remain under arms. Hereupon the insurrection broke out. The army appointed L. Sicinius Bellutus its leader, crossed the Anio, and occupied a strong camp on the Sacred Mount, in the Crustumine district[54]. The consuls and the patricians returned to Rome without injury or insult.

Many of the narratives in the earliest history of Rome betray their fabulous nature by the contradictions and impossibilities they involve: there are none such in the account of the first secession, as given by Livy, and much more fully by Dionysius: nor can we pronounce it to be quite impossible that a recollection of the various parties

[1253] Although the words of Dionysius—τοῖς ὑπάτοις ἐπέταξε μήπω λύειν τὰ στρατεύματα· VI. 45—seem distinctly to express as much, yet elsewhere he follows an account by which the insurgents consisted of only one consular army. This in those days is said to have contained three legions: and if the tribune Brutus asserts that the emigrants were more than thrice as numerous as the Alban colony of Romulus (VI. 80), this is because every legion at this time, the tribes being twenty, had five cohorts and 3000 men, which is the number assigned to the Romulean colony: and Dionysius fancied that the seceders had been strengthened by new-comers from the city. So that in the passage—τῶν γὰρ ἱερῶν ταγμάτων ἔτι κύριος ἦν (ἡ βουλή) VI. 45—which is certainly corrupt, we ought probably to substitute τριῶν. Livy's account too, that the dictator brought forward his proposition in the senate after the return of the consul Vetusius, implies that only the three legions of the other consul were still in the field. It is true that on another occasion Dionysius imagined there were six legions: for this is all he has in his eye, when he makes Appius say that the emigrants were not so much as a seventh part of the 130000 Romans in the census (VI. 63); in other words, did not amount to 18600. That is to say, six legions on the above-mentioned scale consist of 18000 foot-soldiers: the cavalry, according to the views taken by Dionysius, are entirely left out of the account. This statement for a long time rather dazzled than deceived me by its delusive historical look: it is worth while to observe how this too, when critically examined, diappears.

[54] Hence this secession was also called the Crustumerine. Varro de L. L. IV. 14. p. 24. The Sacred Mount had its name from its being consecrated to Jupiter by the plebeians when they were leaving their camp. Festus v. Sacer Mons. Cicero Fragm. pro Corn.

which divided the senate, and of their spokesmen, should be preserved; although unquestionably there were no traces of it in the oldest Annals. And yet the internal connexion here merely proves the intelligence and good sense of the annalist who drew up the story now adopted: as is clear from the irreconcilable contradictions between it and other stories, which at one time were no less in vogue. Cicero, who everywhere follows totally different Annals from Livy, speaks of the negociations of the dictator M. Valerius with the seceders, as of an undoubted fact; and attributes the glory of having effected the peace to him: for which reason, and not for any victories, the surname of Maximus and the most splendid honours were bestowed on him[1255]. A fragment of the same story is discernible in what Livy himself mentions in a passage far removed from the history of these times; namely, that the nail was once driven in by a dictator during the secession of the commonalty[56]: for at the second secession no dictator could be appointed. The variations as to the number and names of the first tribunes of the people will be noticed further down. Lastly all the Annals were not agreed even on the point that the army took its station quietly on the Sacred Mount, and obtained its end without violence. Piso, as Livy tells us, had written that the plebs occupied the Aventine: Cicero says, first the Sacred Mount, then the Aventine[57]: so does Sallust[58]: and when Cicero makes the enemy of the tribunate assert, that it originated during a civil war, while the strong posts of the city were seized and held by armed

1255 Brutus. 14. (54) Videmus—cum plebes—montem, qui Sacer appellatus est, occupavisset, M. Valerium dictatorem dicendo sedavisse discordias etc.

56 VIII. 18. Memoria—repetita, in secessionibus quondam plebis clavum ab dictatore fixum. This seems to be founded on the historical fact, that the consular year expired before the election of the new officers, and that Valerius was dictator in the middle of September.

57 De Re p. II. 33.

58 Fragm. Hist. I. p. 935. Plebes—armata montem Sacrum atque Aventinum insedit.

men[1259], this refers to the same story. Piso himself perhaps did not deny the encampment on the Sacred Mount. Indeed it is utterly inconceivable that the commonalty should not have disposed armed men to maintain its strong quarters in the city; as else the women and such as were defenseless must have fled, or would have been made use of as hostages: nor is it improbable that the story of the meetings on the Aventine and the Esquiline before the insurrection, is borrowed from that circumstance. To these hills then those plebeians who dwelt scattered about the city, retreated: on the Sacred Mount the legions were encamped, and may have been joined by volunteers from the country around: here were the leaders, and here the treaty was negociated.

Nor would the patricians have been able to keep this army out of the city, where the gates of the plebeian hills stood open to it: but every one of the seven was a fort[60]; and as such the Palatine, Quirinal, and Cælian, were no less defensible than the Capitol. These then were occupied by armed men, just as the Aventine was by the opposite party: matters might have come, as they did at Florence, to battles in the heart of the city. As the plebeians were anything but that common populace which makes up far the largest part of the inhabitants of towns, so Rome too was anything but empty: on the contrary thousands beyond a doubt had come in from the country, where we cannot suppose that the patricians and their clients would be able to maintain their ground.

That the patrician houses could muster thousands capable of bearing arms, may be inferred from the example of the great German and Italian cities, out of which the burghers would send fifteen-hundred cavaliers and more in complete armour into the field: the descendants

1259 De Legib. III. 8 (19.) Inter arma civium, et occupatis et obsessis urbis locis procreatum.

60 Septemque una sibi muro circumdedit arces. Dionysius often speaks of the strong posts in the city, τὰ ἐρυμνὰ τῆς πόλεως.

of those who at one time formed the whole Roman nation, must still have been a large body; and the general point that the members of the houses were very numerous, is one on which such traditions as give any statements bearing upon it speak clearly enough. Not that I would consider the assertion, that the Potitii about the year 440 counted twelve families and thirty grown up men*, as historical; numbers of this sort, when they occur in the narratives from the priestly books, have the same kind of meaning that the names of well-known personages have in the lawbooks: and above all the three hundred Fabii stand on no surer ground than the three hundred thousand barbarians under Mardonius. Just as little will their four thousand clients, and the five thousand of the Claudian house, authorize us to draw any historical conclusion as to the number of the dependants who were subject to the authority of the patricians. Yet a general acquaintance with the state of things was enough to enable the annalists to relate without danger of errour, though without any determinate traditions, that the patricians and their clients took up arms immediately after the secession, and that the headstrong adversaries of peace were so utterly infatuated as to dream that they were powerful enough to contend at once with the commonalty and with foreign enemies[1261]. But with the same correctness they added, that the clients were artisans and tradesmen[62]: a multitude, which sent no soldiers to the legions, and which, being unused to arms, could not make head in the field against a peasantry inured to war.

This partition of its forces was the saving of Rome: there was no ground for dreading a massacre like that at

* Livy IX. 29.

1261 Two of the leading passages from Dionysius—VI. 47 and 63—have been inserted above in notes 1236, 1237.

62 Θῆτες, καὶ πελάται, καὶ χειρώνακτες. Dionysius VI. 51. The vulgus forense—opificum—sellulariorum.

Corcyra, as the nation was not split into a few hundred rich men of rank on the one side, and thousands of proletarians standing in direct opposition to them, whose victory could not have been doubtful for an instant when once they should rebell. If hunger did not reduce the patricians, the attempt to force their quarters would have cost torrents of blood, and the result must at least have been uncertain: the victors too, standing amid the ruins, between two conquering nations, the Etruscans and the Volscians, would not long have had to exult in their unblessed triumph. If the quarrel however were prolonged after the appeal to arms, the patricians, possessing the incalculable advantage of being the government, would perhaps have time and means to sow division among their opponents, and certainly to strengthen themselves by alliances. The annalist, from whom Dionysius took the advice he inserted into the speech of Appius, that instead of the insurgents the citizens of the colonies should be invited to receive the rights of the plebeians[1263], and that the lower franchise should be conferred on the Latins, had formed an admirable conception of the ancient state of things, or had weighed the laws and documents preserved from that time with a perfect knowledge of their spirit. The explanation of the Latin confederacy must be postponed to the next volume, in order that the bulk of the present may not swell out of all proportion: however I will here introduce the remark, that the treaty with the Latins, which established their equality as a state, was made in the year of the secession: and if an inference from the end to the means be anywhere allowable, there cannot be a question that it was aimed against the plebs, and that the conclusion of peace was decided by it.

1263 VI. 63. Τοὺς ἐκ τῶν φρουρίων μεταπεμπώμεθα, καὶ τοὺς ἐν ταῖς ἀποικίαις ἀνακαλῶμεν. These are the Romulean colonies which had the Cærite franchise: the colonists, that is, those of the ruling tribe, he calls φρουρά. Compare the passages quoted above in note 714. See also VII. 53.

Livy's good sense taught him that this distracted state of the nation cannot have lasted many days: the Volscians and Æquians would not have looked on motionless spectators, waiting to take up arms or to sustain an attack until the Romans were reconciled and ready for war. The notion of Dionysius that four months passed in this way, may be easily shewn to rest on a deduction which is good for nothing[1264]. I do not indeed set much value on the story that the seceders neither destroyed nor ravaged anything on the property of their enemies, and merely took the bread necessary for their sustenance: it belongs to the legends of the marvels wrought of yore by virtues no longer to be found: but when extended to such a period it becomes a monstrous exaggeration. If the open war between the two estates was but short, it is conceivable that the commanders had wisdom and influence enough to restrain their followers from acts of violence, which would have obstructed a reconciliation.

Thus much may be considered as historical, that the propositions for an arrangement proceeded from the patricians. Their great council[65] empowered the senate to

[1264] It was assumed that the very first tribunes were chosen on the twelfth of December (Dionysius VI. 89), which however can only have been the day of election at the restoration of the office after the decemvirate, and thenceforward. This was combined with the breaking out of the insurrection under the consulship of Virginius and Vetusius, and also, it may be conjectured, with the dictatorship of M. Valerius on the ides of September.

[65] This assembly—the mention of which shews how accurately the Annals copied the books of the augurs and pontiffs in representing the whole procedure under the ancient constitution—reduces Dionysius (VI. 67) to great straits; because he cannot conceive any *ecclesia* except that of the demus. It was the assembly however which by the original constitution had to decide in questions of peace and war (VI. 66), consequently that of the curies. How indeed should the senate have had the power of arbitrarily surrendering the rights of the estate? The notion that it was a plebeian assembly is altogether incongruous, as in fact the sagacious writer very clearly perceives. Nor can it even be the mixed one of the centuries; for this could only collect on the field of Mars, whereas here the Vulcanal (τὸ ἱερὸν τοῦ Ἡφαίστου) is expressly mentioned as the place of meeting. That temple lay above the Comitium (the passages to prove this are collected by Nardini, I. p. 272; who however mistakes the Comitium and its locality) on the lower edge of the Palatine, and was

negociate; and the latter sent the ten chiefs[1266] of its body on an embassy to the commonalty as to a victorious foe. The compact between the two estates—for the ambiguous word *patres* must here be referred, as it must generally in Livy's earlier books, to the patricians, not to the senate—was confirmed by a solemn treaty concluded by the fecials over the body of a victim, and all the Romans swore to observe it.

The terms of this act are very different from what one should look for, when the state of affairs was such, that the destruction of the patricians, although it would certainly have entailed that of the state, still appeared to be the more probable issue of the civil war. Being reduced to choose between present sacrifices to be made by individuals, and permanent ones by the order, the leaders of the senate decided with signal aristocratical wisdom: and as they had contrived to enter into a confederacy with the Latins, with like policy they detached the cause of the multitude from the interests of the men of rank in the second estate, who, when deserted by the lower orders, became powerless. The plebs neither gained the consulate, nor any other honours[67]: the rights of the patricians were not altered; all that was done was to give force to the Valerian laws. On the other hand, although Livy says nothing of any stipulations in behalf of the debtors, yet, as this was the source of the commotion, and the insurgents could not yield on this point without abandoning themselves,

considered a part of the Comitium, the very place where the patricians held their assemblies. See p. 476, 477, note 1129.

1266 The list of their names in Dionysius (VI. 69) is very probably authentic: and that these ten were the *decem primi* is proved by the words which go just before, *οἱ ἐπιφανέστατοι τῶν πρεσβυτέρων*, and by the passage quoted above in note 730.

67 Were not every particular story, which redounds to the honour of a Valerius, suspicious, as being apocryphal and derived from Antias, it might seem that the admission of four hundred rich plebeians into the equestrian order, attributed to the dictator M. Valerius, (Dionysius VI. 44), ought to be referred to the treaty between the estates; and to be regarded as a politic device for separating the individual plebeian notables from the rest of their order.

we cannot hesitate to believe the account in Dionysius, that all the bonds of the insolvent debtors were cancelled, and that all who had incurred slavery by forfeiting their pledge or from the sentence of the law, recovered their freedom[1268].

But here too the sacrifice made was only for the moment; for the patricians managed to prevent any change in the law of debt. Without doubt its abolition was demanded: and if the purpose was to convince the plebeians that they themselves could not dispense with money dealings, nor consequently with severe laws to protect them, we discern the bearings of Agrippa's fable, which cannot possibly be made applicable to the political state of things. The belly is the type of the fundholders*: in their capacity of governors the patricians would have been entitled to a less ignoble symbol.

With regard to the cancelling the debts Cicero pronounces, that there was certainly some reason in the measures taken by statesmen of old to relieve the general distress brought on by the excessive pressure of debts, as had been done even by Solon, and several times by the Romans[69]. Ten years after indeed he thought otherwise, and peremptorily condemned all such violent extremities[70]: for in the interval he had been the witness of ruinous acts of arbitrary power, performed by the victorious party he abhorred. The question is one of

[1268] Dionysius VI. 83. What is found in Zonaras, VII. 14, is substantially the same; and they are supported by the whole view that Cicero takes of these events, as to the necessity of violating the letter of the law. De Re p. II. 34.

* This is the way Dion seems to have understood it. Τούτοις τοῖς λόγοις τὸ πλῆθος συνῆκεν, ὡς αἱ τῶν εὐπόρων οὐσίαι καὶ τοῖς πένησιν εἰσὶν εἰς ὠφελείαν. καὶ εἰ κἀκεῖνοι ὠφελοῖντο ἐκ δανεισμάτων, οὐκ εἰς βλάβην τοῦτο τῶν πολλῶν ἀποβαίνει, ὡς εἴ γε μὴ ἔχοιεν οἱ πλουτοῦντες, οὐδ' οἱ πένητες ἂν ἐν καιροῖς ἀναγκαίοις ἕξουσι τοὺς δανείσοντας, καὶ ἀπολοῦνται. Zonaras VII. 14.

[69] Several times unquestionably; and in Cicero's youth by the law of L. Valerius Flaccus, a patrician. So greatly were circumstances changed.

[70] De Offic. II. 22.

those on which assuredly no inconsistency is betrayed by a change of opinion in consequence of fresh experience and under a different state of things. If a person approves of Sully's diminishing the interest payable to the public creditors, who were swallowing up the revenues of the state, and of his deducting the usurious profit they had long enjoyed from the principal; if he is aware how lowering the interest, or the capital of its debt, or the standard of its currency, has been the only means whereby more than one state has been able to save itself from the condition in which the whole produce of the ground and of labour would have fallen into the hands of the fundholder [1271]; if he knows how speedily and easily such wounds, as those which this class sustain in their property, are healed; if he considers this, when reviewing the history of the states of antiquity, which were drained by private usury, he will be favorable to those measures which tend to preserve hereditary property and personal freedom, as Solon was. As to any assignment of the public domains to the plebeians having been agreed to, it is exceedingly improbable [72].

Whatever may have been done in this respect, all traces of it had vanished within a few years: the relief bestowed must necessarily have been transient, because Rome for a long time was visited by misfortune after misfortune. But the measures taken to compose the internal

1271 So that a bankruptcy must still have taken place in the end. A state which sacrifices its tax-payers to the public creditors, may be said *propter vitam vivendi perdere causas*. Hume and Burke have declared that this idolatry of the national debt is a worship of Moloch.

Happy the times, when one cannot have to talk of such extreme cures, the produce of all property and of labour having increased in the same, nay in a greater, proportion than the demands of the state, and when the fundholder is rather conducive to its prosperity! But such times are a bounteous gift of fortune, which our children and grand-children are hardly destined to enjoy in the same way as it was enjoyed by Germany before the thirty years' war and before the revolution.

72 In Dionysius (VI. 44) M. Valerius says he had excited the indignation of the patricians by a measure of this kind. See note 1267.

dissensions gave birth to an institution, of a nature wholly peculiar, dangerous only as great intellectual powers and animal spirits are dangerous, which spread the majesty and the empire of the Roman people, and preserved the republic from revolutions and from tyranny: I mean the tribunate.

Little as the earl of Leicester foreboded, when he summoned the deputies of the knights and commons to the parliament of the barons, that this was the beginning of an assembly which was at one time to be virtually possessed of the supreme authority in the kingdom; just as little did the plebeians on the Sacred Mount foresee, when they obtained the inviolability of their magistrates, that the tribunate would raise itself by degrees to a preponderating, and then to an unlimited power in the republic, and that the possession of it would be sufficient, nay in point of form would be indispensable, to lay the foundation of monarchal supremacy. Its sole purpose was to afford protection against any abuse of the consul's authority[1273]; to uphold the Valerian laws, which promised the plebeians that their life and person should be secure against arbitrary force. The only innovation consisted in making the tribunes inviolable: this induces us to suspect that, if the tribunes before this time came forward in behalf of such as were ill-treated, they had themselves lost their lives or suffered insult: and hence we might be surprised that this clause should have been of any avail. It was so, inasmuch as a powerful offender was outlawed by it, so that no one who should kill him, could under any pretext be brought to trial for such an act, and the criminal's house was forfeit to the temple of Ceres[74]. From the nature of his office as a public guardian, the tribune's house was kept open night and day for all who called to him for succour;

1273 Auxilii latio adversus consules: Livy: Βοήθεια: Dionysius.

74 Dionysius VI. 89. The formulary in Livy, III. 55, by which the head of the criminal is devoted to Jupiter, belongs no doubt, as he represents it, to the period after the decemvirate.

and this he had the power of bestowing against every one, whosoever he might be.

That the tribunes of the several tribes must already have had the right of bringing propositions before the body by which each was appointed, is a matter of course; and supposing that, whether by election or tacit agreement, one was chosen from every ten of them to preside over the whole order, these officers must of necessity have been entitled to bring similar propositions before the general assembly of the commonalty; but as yet they were not inviolable. Here again however it is mentioned on a specific occasion as a step gained by the rights of the commonalty, that soon after the treaty between the estates the plebs enacted terrible punishments for securing the privilege of the tribunes to lay propositions before them. If any one impeded and interrupted a tribune who was addressing the plebeian assembly, he was to give bail to the college of tribunes for the payment of whatever mulct they should affix to his offense in arraigning him before the commonalty: if he did not, his life and property were to be forfeit[1275]. This law is represented by Dionysius as a mere decree of the plebs; but its nature is such that it could not have been passed without the agreement of the other estate.

It was a controverted point even among the ancients, whether the tribunate was a magistracy? They who would not allow any office, unless its authority extended over the whole nation, to be so, denied it; and with justice, so far as concerns the earlier ages; but with regard to the later they stickled about an empty shadow. In the seventh century of the city the tribunes were to the fullest extent a national magistracy; during the first two centuries of their existence they were just as decidedly a mere plebeian magistracy; but this they were incontestably: only their province was neither government nor administration. In their most essential character they were

1275 Dionysius VII. 17.

representatives of the commonalty: as such, protectors of the liberties of their order against the supreme power, not partakers in that power: as such too, not empowered to impose a mulct, but only to propose the imposition of it to the commonalty[1276]. Neither were they judges between the consul and the person he had sentenced to corporal punishment; but only mediators, in order that the plebeian court might assemble without obstruction, and that meanwhile the appellant might remain at liberty harmless. They were the senses of their order; bringing what they perceived before it, for its consideration and decision; and till it decided, they were a bar to any irrevocable act.

As such they interposed wherever the liberties of the plebeians were infringed. To determine on war and peace, so long as the earliest state of things continued, rested with the curies, after the preliminary deliberation of the senate: but from the time when the commonalty had been recognized as a free half of the nation, and had begun to furnish the whole infantry of the army, there were no laws to which its consent should have been held more indispensable than those by which war was declared. This however was the very point the patricians were the most anxious to evade bringing before the centuries; and naturally so: for, as the plebeians were excluded from sharing in the profits of the war—from sharing in the conquered territory always, and not unfrequently in the booty, when it was sold and the produce went into the chest of the patricians—they were not disposed to sacrifice their lives or their blood. Now in this case the express or silent assent of the tribunes served as a substitute for that of their order, and was a way of maintaining its rights: on the other hand a refusal to serve derived strength from their prohibition; since none could seize the plebeian whom the tribune protected, without laying hands on his inviolable person. The force of this prohibition ceased along with the injustice which called it forth. Thus it was often

[1276] They were not able *multam dicere*, but only *irrogare*.

needed to rescue a person from the levy, who had only been taken in order that some private animosity might be vented against him, when he should be beyond the mile of the civic liberties, where the consul's authority was unlimited.

It often happened that the preventive power of the tribunes was insufficient to hinder such acts of tyranny; or even to preserve the solemn treaty from direct infringement: in such cases it was necessary that they should be able either to take the law into their own hands or to demand its execution: by the original spirit of their office they could only do the latter. We should have expected that this demand would be made before a mixed jury under a foreman: but the compact had been ratified by oath under the form of a treaty between the two estates; and, by a universal principle of Italian international law, a people that had been injured either collectively or in the person of one of its members, had the right of trying the foreigner whom it charged with having committed such an offense: and if any treaty with his countrymen was in existence, they were bound to deliver him up for that purpose. They themselves were not competent to try him: for indulgence would have been more than pardonable in a state of manners which under many relations, such as that among the members of the same gens and that between a patron and his clients, made it an imperative duty not to condemn even the guilty; in a state of manners akin to that where compurgation was obligatory: but the judges being sworn it was expected that, if their enemy were proved innocent, they would acquit him. Whether this belief did not rest on an innocent dream, and did not lead to acts of injustice, is another question: but on these grounds the tribunes had the right of arraigning consuls and other patricians before the commonalty. The existence of this right implies that the patricians had the same against any plebeians who were chargeable with a like offense against their order.

That the consuls, after the expiration of their magistracy, should be amenable to the commonalty for misdemeanours against the whole republic, would be so at variance with all the relations which are unequivocally apparent in these ages, that, if the instances of charges preferred by tribunes on account of such misdemeanours during the third century could in other respects be regarded as historical, we should have to seek for a different explanation of them. According to the spirit of the constitution in those days the curies, and they alone, were the judges in all that concerned the administration of the republic: and so the tribunes must have had the right of coming before them as accusers, if the quæstors failed in their duty.

What first made the tribes a branch of the legislature, was the Publilian law: until then they could merely pass resolutions, as every other corporation can, which were not binding except on their own body. It cannot be questioned that in this respect too Sylla, when he took away the right of proposing laws from the tribunes, was restoring the letter of the constitution out of an age which had passed away, and which he everywhere aimed to revive.

That the number of tribunes at the first was only two, is a point on which all the accounts are in effect agreed[1277]: as to their names they differ: still C. Licinius and L. Albinius seem to be pretty certain[78]. Our finding that Sicinius, who had been chosen commander, was not one of the first, but only added to them afterward, seems distinctly to

[1277] Even Dionysius, VI. 89, who first names two, and then proceeds, ἔτι δὲ πρὸς τούτοις. Livy is quite express on this point: so are Cicero pro Corn. and de Re p. II. 34; Tuditanus and Atticus in Asconius on the Corneliana; Lydus de Magist. I. 38. 44; Zonaras VII. 15.

[78] These are named by Livy and by Lydus I. 44: the latter in these statements always follows Gaius, that is mediately, Gracchanus. In Asconius indeed we find *Sicinius* instead of *Licinius;* and the surname proves that it is not an errour of the scribe: but *L. Junius* is a mistaken alteration made by Manutius: the Laurentian MS, LIV. 27, has *Lactinius;* which confirms *L. Albinius.* The pretended L. Junius Brutus is not to be found except in Dionysius.

favour the conjecture that at the time of the secession the former were already invested with the office, which as then was still insignificant; whereas Sicinius was selected to lead the army for his fitness, as a precaution in case the affair should end in a war. With regard to the subsequent changes in the number we have a variety of accounts. According to Piso there were but two down to the Publilian law[1279]: according to Cicero the two continued throughout the first year, and the next the number of the college was raised to ten[80]: according to Livy the two first held the election of three others, of whom Sicinius was one. What discrepancies are these! among them however Cicero's statement, so far as it is at variance with the account that the number was not fixed at ten till six and thirty years after the institution of the tribunate, may be regarded as certainly wrong: in the next place it is surely more than improbable that the Publilian law should have been the introducer of a number containing a direct reference to the centuries, from which it took away the election; and should have done away with one bearing a proportion to the number of the tribes, to which it transferred the election. For the five tribunes were chosen one from each class[81], as they were two from each, after the number was doubled[82]: a relation, which cannot possibly have continued, when the constitution of the centuries had undergone a thorough change.

Officers who were the representatives of the several classes, must needs have been chosen by each severally; we cannot suppose that they should have been so by a majority of the centuries taken collectively. This was an approach to that equality which we must conceive to have prevailed in the assembly of the tribes: only that the plebeian knights

1279 Livy II. 58.

80 Cicero Fragm. Cornel.

81 Quinque creatos esse, singulos ex singulis classibus. Asconius on the Corneliana. See above p. 393.

82 Decem creati sunt, bini ex singulis classibus. Livy III. 30.

were excluded[1283], as well as the locuplētes who stood below the fifth class: for the proletarians, it is probable, were not originally admitted to vote even in their tribes. A far more essential restriction lay in the dependence of the centuries upon the auguries; and in the right of the clients to vote in them: but one beyond all compare more important was, that, down to the time of the Publilian law, the person who had been elected was to be approved of by the patricians in the curies[84]. In a negociation conducted with address this concession might be gained under the specious colour of its being for the good of the plebs itself that its officers should not be personally offensive to the first estate: it might also be suggested that it was dignified to have identically the same mode of election as that by which curule offices were filled; although the law concerning the *imperium* of a magistrate, which he himself proposed to the curies, was something very different from this acceptance: and as they had to accept, they might also reject[85]. That the share of the curies in the election was confined to this, is placed beyond a question by the passages just quoted from Dionysius[86]: although it has been misinterpreted into an election at their comitia, and that too by the ancients, by Dionysius himself, and even by

1283 In this point too one sees how artfully the patricians endeavoured to divide their opponents: here however on the whole their efforts were vain.

84 Dionysius vi. 90: after the election by the plebeians, τοὺς πατρικίους πείσαντες ἐπικυρῶσαι τὴν ἀρχὴν ψῆφον ἐπενέγκαντας. And after the Publilian law the consuls reproach the tribunes: οὔτε αἱ φράτραι τὴν ψῆφον ὑπὲρ ὑμῶν ἐπιφέρουσιν. x. 4. See above note 793.

85 It is a remarkable instance how much may be effected by public opinion and by the dread of it, to find that all the influence of the clientry, and of personal intrigues, was not able to prevent the election of the worthiest men, who faithfully discharged their duties to their order. The unanimity on this point was evidently so complete, that, as tribunes were needs to be appointed, the curies could make but little use of their right to reject them.

86 If this historian, who is so precise in his expressions, had meant to say, the curies do not *elect* you—and not, they do not vote about you after your election—he would have said, ὑμᾶς οὐ χειροτονοῦσιν.

Cicero[1287]. The former however, as he was led in other places by the well informed writers he followed, to see the matter in its true light, feels himself perplexed; because he has a suspicion, even if he did not find it distinctly stated, that the plebs was not comprised in the curies; and he therefore distributes it amongst them[88] for the purpose of the election. If we reflect how very easily the election and confirmation might be confounded, we shall look on those passages as decisive, in which Dionysius takes a clear view of the subject, and which are in such perfect harmony with the whole system of the ancient constitution: that the tribunes who impeached Coriolanus, and who struggled for the agrarian law of Cassius, should have been elected by the curies, is an absolute impossibility: the unanimity among the plebeians however may easily have been so great, that, as tribunes were at all events to be appointed, the right of refusing to confirm their election may have availed the patricians but little. Nor, if one solitary creature of theirs was thrust in by the votes of the clients, was this material, so long as questions within the college were decided by the agreement of the majority among themselves: hence it is recorded as an artifice of the patricians, that, whereas the veto had been set up as a barrier against the power of the consuls, they conceived the plan of employing that of one tribune against another[89]. The authors of the ancient books, who took note of this as an innovation and attributed the suggesting it to the most inveterate of all the patricians, Appius Claudius, were aware of its incalculable

[1287] Dionysius VI. 89. Νεμηθεὶς ὁ δῆμος εἰς τὰς τότε οὔσας φρατρίας, ἢ ὅπως βούλεταί τις αὐτὰς προσαγορεύειν—ἄρχοντας (that is, δημαρχοὺς) ἀποδεικνύουσι. IX. 41. Publilius μετάγων (the elections) ἐκ τῆς φρατριακῆς ψηφηφορίας, ἣν οἱ Ῥωμαῖοι κουριάτην καλοῦσιν, ἐπὶ τὴν φυλετικήν. Cicero Fragm. Corn. Itaque auspicato postero anno X tribuni pl. comitiis curiatis creati sunt.

[88] VI. 89: quoted in the preceding note. The expression τὰς τότε οὔσας is very remarkable.

[89] Livy II. 43, 44. Dionysius IX. 1.

importance: the tribunes, from being representatives of the commonalty and merely authorized to report to it, were by this measure converted into magistrates wielding each a power of his own.

It is very possible that the curies may at this time have gained possession of the consular elections by the treaty; if we suppose that the multitude was bribed by the abolition of their debts to desert their nobless. To palliate such a desertion it might be urged that, as the consuls must needs be taken from among the patricians, it surely was not very important that the centuries should have to vote on their election; that at the utmost this could only be of use against a person who had already disclosed his character: and that even in his case it might be dispensed with, now that the right of resisting a tyrant had been obtained. Perhaps too the elective power may already have been usurped: perhaps the preceding election had actually been held during the secession[1290], and so by the curies, because the plebs was absent: every way one perceives how adroitly the government contrived to make circumstances bend to its ends.

As a corporate body it was requisite that the commonalty, beside its representatives, should have certain peculiar and local magistrates: such were the ædiles, whose office is said to have been instituted after the treaty of the Sacred Mount; and, like that of the tribunes, may probably have been older. The nature of their duties in early ages is very uncertain: they are represented as having been immediately under the orders of the tribunes; as having been judges in such causes as they were appointed to decide by these their superiors[91]. That they

[1290] Dionysius would not have been able to understand a statement on this point: that he had read something concerning this election which puzzled him, and out of which he tried to elicit a meaning, seems clear: let the reader remark the word ἐπικυροῦν. VI. 49.

[91] Δίκας ἃς ἂν ἐπιτρέψωνται ἐκεῖνοι (the tribunes) κρινοῦντας. Dionysius VI. 90. Τὸ ἀρχαῖον ἐπὶ τούτῳ ᾑροῦντο (as keepers of the archives) καὶ ἐπὶ τῷ δικάζειν. Zonaras VII. 15.

exercised a kind of police is unquestionable: the inspection of the markets however is said not to have been assigned to them till later[1292]: at all events their power must have been confined to their own order. The temple of Ceres was under their peculiar guardianship; here no doubt they from the first kept the archives of the commonalty, as they did subsequently the decrees of the senate[93]: and this must have been what gave their office its name. This temple stood in the plebeian suburb, though not on the Aventine, but by the Circus[94]: the valley of Murcia, like the neighbouring hill, had been allotted by Ancus to the Latins. The goddess of agriculture was the immediate patroness of the class of free landholders: hence the property of all who insulted the plebeian magistrates was confiscated for the treasury of this temple: and here the poor belonging to the order had bread distributed to them[95], of course under the superintendence of the ædiles. This must have been the way of laying out the produce of such fines as were imposed, not by the whole nation, but by the plebs, in part on charges brought forward by the ædiles: and none but they can have had the management of the public chest of the commonalty.

The noblest and most salutary forms and institutions, which in civil or moral societies are bequeathed from generation to generation, after the lapse of centuries will prove defective. However exquisitely fit they may have been when they were framed, it would be necessary that the vital power in states and churches should act instinctively, and evince a faculty of perpetually adapting itself to the occasion, as the ship Argo did when it spoke, if such a fitness is to last. As it is however, they either

1292 Zonaras proceeds: ὕστερον δὲ καὶ ἄλλ' ἄττα, καὶ τὴν τῶν ὠνίων ἀγορὰν ἐπετράπησαν. According to Pliny however (H. N. XVIII. 4) they had some share in the management of the corntrade even before the year 315.

93 Livy III. 51.

94 Nardini III. p. 242, 243.

95 Varro in Nonius v. pandere (I. 209).

continue without any outward alteration; and the more this is the case, the more certain they are of becoming a mere lifeless shell: or they have been gradually developed and transformed; during which process their original purpose has usually been but little thought of, and often has been totally misunderstood: nay the condition of the persons for whose sake the institutions came into being, has often undergone so great a change that there ceases to be any room for such a purpose. And then, should any one perceive that what is now oppressing and harassing us would not have existed but for these forms and the events which fashioned them, he may unthinkingly turn his displeasure against them; may wish, not that they were suitably modified, but that they had never been; and may extoll what they did away with; without knowing what it was; without asking what and where he himself should be, unless those institutions had been introduced, which now it is true have outlived themselves.

It is in this spirit that Quintus Cicero in the Dialogues on the Laws inveys against the tribunate: which indeed was in his days a source of so much vexation and heartfelt sorrow to every honest citizen, that one can understand how they could overlook the good which even in the desperate disorder of those times ought to have been sought and might have been obtained from it. But the native of Arpinum should have remembered that, but for this office, his birthplace, which made him a Roman citizen, would have continued to be an insignificant town of the Volscians; that, but for the establishment of the liberties of the plebeians, his beloved brother would never have become, what by his consular power he had been for a year—and that year worth a whole life—and what he was to all eternity by the power of his mind, the head of the Roman world: yea, that the man who turned the weapons of the tribunate against the father of his country, was a Claudius, whom nothing but abuse had made a tribune.

Perhaps even Marcus Cicero himself was not to the full extent aware how small and humble the power of the tribunate originally was: nevertheless he soars above prejudices, and declares, that Rome ought either to have retained the monarchal government, or that it was necessary to grant freedom in good earnest, and not merely in empty words, to the plebs[1296].

But for this institution, to which necessity gave birth, the two estates could not have subsisted side by side in a republic: a king might have prevented any such necessity from arising, even in an elective monarchy: in a hereditary one it would never have been felt. Among the Greeks the prince, the offspring of a heroic race and the ward of Jove, did not belong exclusively to any part of the state: the inhabitants of the newly acquired territories, if they resigned themselves heart and soul to his sceptre, were loved and cherished by him no less than the houses of the most ancient of the ruling tribes: he was able to provide and effect that every free man should have his rights to the amount of all he was entitled to from his actual condition and from his deserts: and many a disparity may be forgotten where there is a common bond of personal attachment. But this conservative form of government was unknown to the Romans, so far as our history goes back, as it was perhaps throughout the whole of ancient Italy. No sooner had it disappeared among the Greeks, than the houses began to oppress the commonalty, the towns to oppress the countrypeople; and with few exceptions it was to their own ruin. For some powerful members of the houses offered themselves to the disaffected as their champions, and combining with the commonalty or the population of the surrounding country, and with a party of the ruling burghers, made themselves masters of the supreme power. This is the origin of the tyrants, who were to be found in all parts

1296 De Leg. III. 10.(25). Aut exigendi reges non fuerunt: aut plebi re, non verbo, danda libertas.

of Greece during a period of 150 years down to about the 70th Olympiad: some few among them were deserving of their odious name; their authority in every instance was founded on usurpation; in themselves they were often benevolent, just, and wise men; their influence was mostly salutary. For the institutions which had newly grown up, had time to gain strength and steadiness under their dictatorship; since they stood as a personal guardian power by the side of the state; and, when they laid down their authority, it was like a fullgrown youth who had ripened under wise tuition. Now because the old governments had refused to accede to any reasonable terms, revolutions had ensued: and from this consequence the Roman patricians escaped, not through their wisdom, not through their firmness, but through the establishment of the tribunate. It is a profound remark of Cicero's [1297], that it was a check to the fierce bursts of popular fury, the resistance to oppression being undertaken by the chosen representatives, conducted by them, moderated by them, and often quieted by them. To judge from the lessons of Greek history, it was no less fortunate for the patricians that the members of their order were from the first excluded from this office; although it was probably by the plebeians that this was so arranged, as a precaution for themselves.

By the leaders of this estate, who were looking forward to the time when their posterity should partake in the curule honours, this office was doubtless designed to be nothing more than a transient institution; which was to be dropt when that end should be reached. And such was the case: the plebs continued to increase more and more in power and in dignity; the patricians, from being a branch of the nation, dwindled into an insignificant number of families: the nobless of the two orders was united, and enlarged by fresh ennoblements: the plebs as an estate had no longer any oppression to dread: yet the tribunate

[1297] De Leg. III. 10 (24. 25).

did not pass away. But it now put on a totally different character: it became a mode of representing the whole nation, even the patricians; although they neither elected nor were eligible to it. From this time forward they are entitled to the name of tribunes of the people, with which we are in the habit of designating them from the beginning; so much so indeed that it will hardly be possible to abstain altogether from using this name in the earlier ages, when as yet it is not appropriate [1298]. The people in a strict sense, is the whole nation, and its sovran assembly as contradistinguished from the senate, such as it existed at Rome after the Hortensian law: but this word of many meanings acts with an intoxicating effect upon the mind; and the conscientious historian will therefore be glad to find substitutes for it: we may congratulate ourselves that the institutions of the middle ages have supplied the language with one for the times of convulsion and dissension, which is perfectly accurate and sober.

In the later history of the Roman republic we find the tribunician power carried to such a highth by the changes in the state of things and by its own usurpations, that it overtops the consuls and the senate, nay the people itself: meanwhile no one had learnt from the experience of the past that those branches of the state, which were then in need of the same shelter as the plebeians had once needed, had a right to receive it. In the course of centuries things went so far that the tribunes no longer stood over-against the supreme authority as representatives of the nation, but were tyrants elected for the term of their office: a kind of national convention: as it was fancied during the revolutionary frenzy that, where the power of the elective body, far the greater part of which gave

[1298] The old German writers call the tribunes *Zunftmeister* (masters of guilds or aldermen), which has an odd sound enough: but in selecting this name they were guided by the correct feeling that the plebs stood in the same relation to the houses as the guilds did.

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